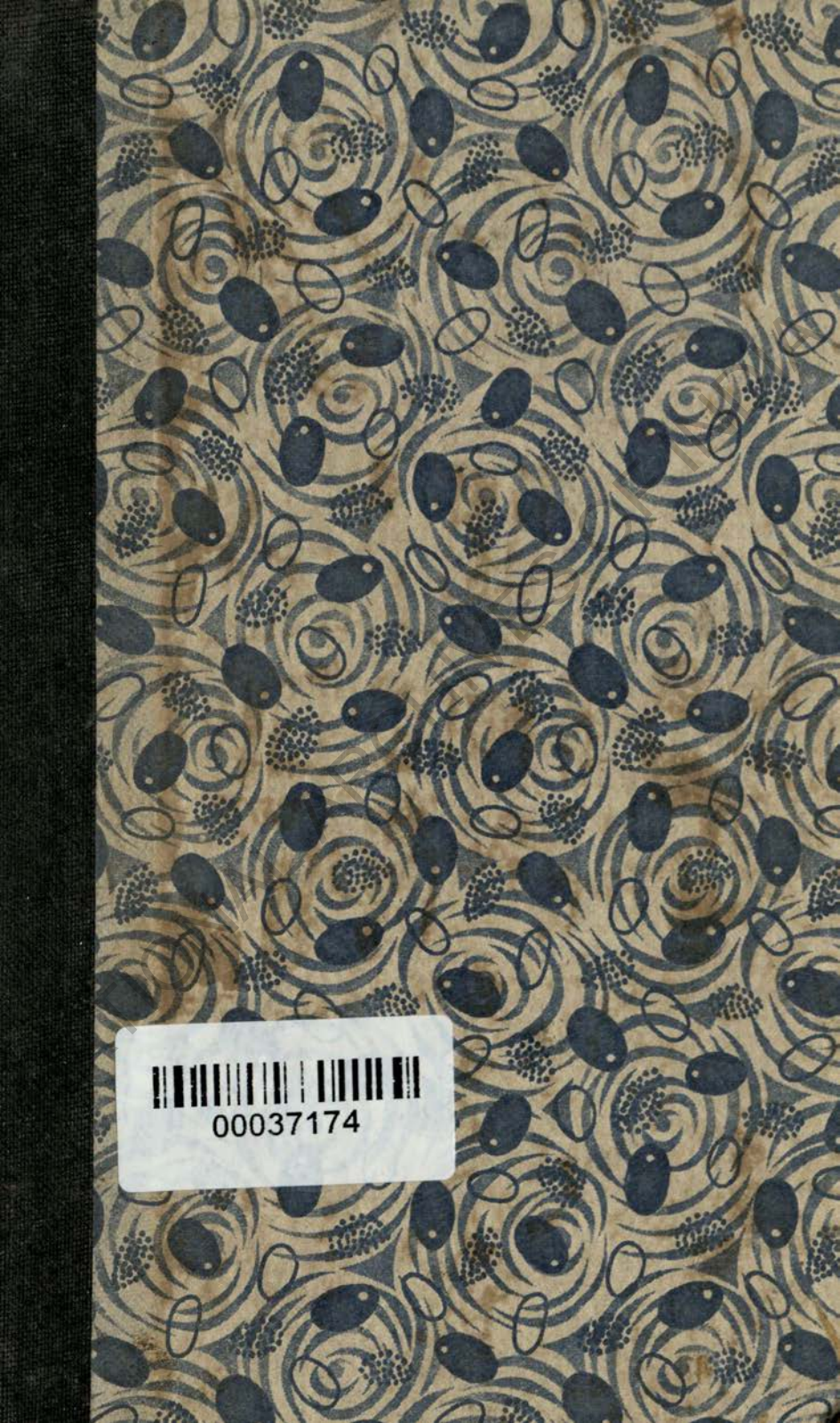
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THE LAND OF THE FIVE RIVERS

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THE LAND OF THE FIVE RIVERS

AN ECONOMIC HISTORY OF THE PUNJAB FROM THE EARLIEST TIMES TO THE YEAR OF GRACE 1890

By

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PREFACE

They unto whom we shall seem tedious are in no wise injuried by us, because it is in their own hands to spare that labour which they are not willing to endure.

HOOKER: *Ecclesiastical Polity* I.

HISTORY is the key to the solution of many of the world's problems of the present day. And this is particularly true with regard to India, whose history has impressed on her such a very different background, physical, racial, psychological and economic from that of England or Europe. Why is communal strife in India nearly as bitter as in Ireland? Why has Indian agriculture been nearly as much neglected as that of England? Why is Indian democracy nearly as much of an exotic growth as that of Italy? Are the Sikhs Hindus? The answer to these questions lies not in *a priori* deductions from preconceived theories, nor solely in observations of the India of to-day, but also in a careful study of Indian history.

Such history should be rather economic than political. In Indian history "there is no scope for examining the growth of institutions or the development of civil polity or the forming of nations; the famous men are all either able tyrants (in the Greek sense) or successful men of war; the type of civilisation is uniform and stationary; the spirit of nationality where it exists is in its most elementary stage; the people of the great kingdoms are an immense mixed multitude broken up into tribal or religious groups, and united under one rulership by force or accident".[1] Indian histories are dull, because they describe the politics of inorganic states rather than the life of the immense mixed multitudes of a country which is a museum of economics and sociology.

[1] *Lyall*, 2, 3.

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It is the life of these multitudes in a particular Indian Province that this book endeavours to describe. But the Province is intended to be typical of India as a whole, and provincial boundaries have not therefore been jealously regarded. Often indeed it has been necessary to cross the Hindu Kush to give an adequate explanation of Punjab conditions. But the bounds of time have been more rigidly regarded than those of space. The History ends at 1890 before definitely modern conditions had set in. The stabilisation of land revenue methods following on the reforms which accompanied the appointment of a Director of Land Records; the new system of rural economy which grew up with the passing of the Alienation of Land Act, and the introduction of Co-operation; the enrichment of the country by a series of great irrigation schemes, all mark the advent of a new era, and all date subsequent to 1890.[1] The alienation of the Frontier Province and Delhi were then still in the womb of the future, so also was the Reform era inaugurated by Lord Morley. It was a period of quiescence rather than great deeds, and this history therefore inevitably ends on rather a pessimistic note—the sound of which (if I am spared) I hope to endeavour to subdue in a sequel to this work describing the economics of the Punjab of to-day.

This book is not mainly intended for those who are experts in the particular subjects it deals with, though even the expert may occasionally desire to get an all-round view, and wish, like Sophocles, to

See life steadily and see it whole.

Possibly the student of Biblical or Classical antiquities or of mediæval or modern economics may gain something from a not too technical description of the customary history of an oriental country[2]; for the Punjab is a country as large as France

[1] Some irrigation canals had been started previously, but the Province as a whole was not seriously benefited by these irrigation schemes till after that date.

[2] "It may be hoped that suggestions derived from studies of India, conducted in the spirit of Maitland and Professor Vinogradoff, may explain many of the apparent paradoxes of English mediæval history; and show that custom is often the gradual result of economic conditions, even when it appears at first sight to be their governing cause." (*Marshall*, 797 note.)

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and not a province like Lorraine. For the great mass of people, who cannot be bothered to read any books, but who occasionally require information as to specific facts, an index is provided, on lines which, it is hoped, will also render this book a useful work of reference. As for those whose work keeps them in India, I can only say that personally I have spent my whole service in trying to accumulate the information given in this book, and it is in answer to questions that have puzzled me for the last twenty years that this work is written.

As the book is not written for the expert, except when he condescends to hop down from his perch and become one of the general public, it follows that technical terms are avoided as far as possible, especially vernacular terms. The ordinary reader, seeing the word *jamabandi*, feels that that book at any rate is not for him. But I have satisfied the legitimate aspiration of the expert, as far as possible, by putting vernacular equivalents in the notes, and by giving him material for study and criticism in copious references to the authorities I have mainly relied on. When such authorities differed I have followed the one which seemed to me most reliable without giving reasons, as that would have swelled the book to the proportions of a Cambridge History. Such authorities are generally grouped together at the end of paragraphs, or portions of paragraphs, and in such cases refer, not to the immediately preceding sentence, but to the preceding paragraph or portion of a paragraph. Isolated references generally refer to the preceding sentence. In abridging material, too, it is often difficult to know what to include and what to leave out, and this has been so particularly in the parts dealing with land-revenue, which may be thought too brief or too prosy according to the point of view.

I suppose no one can be interested in Punjab economics without having to acknowledge his indebtedness to Mr. Calvert, C.I.E., I.C.S. (now a member of the Agricultural Commission). Even a talk with him is a mental stimulus and refreshment. His *Wealth and Welfare of the Punjab* is a mine of suggestive information. And personally I must thank him not only for his helpful comments on Chapters I and

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II of this book which he so kindly read, but also for stimulating suggestions received at intervals throughout my service and specially during the six happy months when it was my privilege to serve under him in the Co-operative Department. I must also thank Mr. Woolner, Dean of the Punjab University and Professor Myles, Professor of Economics there, for many valuable ideas, and Mr. Fyson, O.B.E., I.C.S., for reading through the first four chapters. I must also acknowledge much valuable miscellaneous assistance cheerfully given by Mohammad Asghar and Mohammad Rafi, clerks in my office, and Nabi Bakhsh, Settlement Mapper at Sheikhupura, for help in preparing the maps.[1] It is perhaps hardly necessary to add, that I alone am responsible for the facts and opinions given in the book, and that Government has had no concern in its publication whatever.

[1] These maps (it may perhaps be explained), are not intended as substitutes for atlases but merely to make the book intelligible. They therefore include all the places mentioned in the book, but no others.

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INTRODUCTION [1]

THE importance of the Punjab in the history and economics of the great Sub-continent of India is out of all proportion to its population, its productive capacity, or even its size. Like Palestine and Belgium it has been the arena of conflict between political systems far greater than itself, affording as it does the only practicable highway between the nomad breeding grounds of central Asia and the rich and fertile valley of the Ganges. To India the surrounding ocean "was an ample protection against overseas invasion till the Europeans rounded the Cape of Good Hope. The vast length of the Himalaya, backed by the desert plateau of Tibet, was an equal defence on the north side. Only to the north-west did India lie relatively open to the incursions of the warlike peoples of western and central Asia." It was precisely in that direction that the Indian desert presented a waterless void extending north-eastward from the mouth of the Indus to within two hundred miles of the Himalayas. It is only through this gap that there is an easy gateway into India, and this gap has played in Indian history the part that the plain of Palestine played in the history of Assyria and Egypt, and that the plain of Flanders has played in the history of Europe.[2] Occupying the angle where the Himalayas, which shut in the Indian peninsula to the north, meet the Sulaimans which bound it on the west, and lying between Hindustan and the passes by which alone access from the great Asiatic Continent is possible, the Punjab and the North-West Frontier Province guard the gateway of that Empire of which they were the last portion to be won. The great Aryan and Scythian swarms which in successive waves of migration left their arid plateaus for the fruitful plains of India, the conquering armies of Alexander, the peaceful Chinese pilgrims in search of the sacred scriptures

Historical and political importance of the Punjab.

[1] Authorities: *P.A.R.*, 2-5; *Gazetteer*, 4-7, 16; *Douie*, IV *Calvert, passim.*

Cambridge, 20-1.

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of their faith, the Muhammadan invaders who came to found one of the greatest Muhammadan Empires the world has ever seen, the devastating hordes led successively by Mahmud, Tamerlane, Nadir Shah, and Ahmad Shah, the armies of Baber and of Humayun,—all alike entered India across the wide plains of the five rivers from which the Province takes its name. The great central watershed between the basins of the Indus and the Ganges which constitutes the eastern portion of the Punjab has repeatedly been the battlefield of India. It was in prehistoric times the scene of that conflict which, described in the Mahabharata, forms the main incident of one of the oldest epics in existence; while in later days it witnessed the struggles which first gave India to the Muhammadans, which in turn transferred the Empire of Hindustan from the Lodi to the Mogul dynasty and from the Moguls to the Mahrattas, which shook the power of the Mahrattas at Panipat, which finally crushed it at Delhi and made the British masters of Northern India, and which saved the British Empire in India in the terrible outbreak of 1857.

Scenery and Geology.

The Province presents a great variety of scenery, from the snow peaks and glaciers of the Upper Himalayas to the deserts of shifting sand in the south and west. But the characteristic scenery of the Punjab is that of the plains, and the contrast between their luxuriant green appearance before the crops are cut, and the dull brown after, is most striking. The whole of these vast plains are of alluvial formation. Stones are unknown save at the immediate foot of the hills; micaceous river sand is to be found everywhere at varying depths; and the only mineral consists of the nodular accretions of limestone known as *kankar*, and even *kankar* disappears in the west. The soil is a singularly uniform loam. True clay is almost unknown, and the quality is chiefly determined by the greater or smaller proportion of sand present. But where rocks crop out the geology is interesting. In the southern and south-eastern districts there are expanses of highly folded and metamorphosed rocks which belong to the most ancient formations in India. The Salt Range again contains notable records of three distinct eras in geological history. In association with the well-known beds of rock-salt which are being extensively mined at Khewra, occur the most ancient fossiliferous formations known in India, corresponding in age with the middle and lower part of the

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Cambrian system of Europe. A younger system of rocks, which were found in the latter part of the Carboniferous period, contains a boulder bed apparently of glacial origin, above which are to be found the coal-treasures of the Salt Range. The still younger Tertiary formations are interesting from the relics of gigantic extinct monsters which have been found therein. The Himalayas on the other hand illustrate, in a succession of fossiliferous beds, the history of the great inland sea of the Tethys, which once covered the central parts, of Asia and Europe, one of its shrunken relics being the present Mediterranean Sea. The uplift of these vast mountain masses due to the shrinkage of the earth's surface, took place at a geologically recent date, and the seismic forces which caused it still give rise to destructive earthquakes throughout the Himalayan region.

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CHAPTER I

THE DAWN OF HISTORY

1. THE LAND OF THE FIVE RIVERS[1]

Quæ loca fabulosus
Lambit Hydaspes.
HORACE: *Odes, I, l.* 22.

A DISGRUNTLED Bombay Civilian[2] once remarked that the only Englishmen he ever saw in India with fresh complexions were Punjab officials going home on medical certificate. And the testimony to the healthiness of the Punjab climate was not undeserved. The bracing winter, which can hardly be rivalled outside the Riviera, more than atones for a hot weather which is one of the worst in India outside Sind. The inland position of the Province, combined with the sandy nature of its soil,[3] gives rise to great extremes of temperature. In the cold weather, hot days are followed by cold nights; and the winter of a temperate climate is followed by a more than tropical hot weather. Such a climate breeds a hardy martial race, and the War found the Punjabi peasant equally capable of enduring a winter in the mud of Flanders, or a summer amidst the sands of Mesopotamia. But the dryness of the climate renders the question of rainfall all-important. While the English farmer must drain, the Punjabi peasant must irrigate, if he wants a good crop. Fortunately the meteorological conditions determining the Punjab rainfall are less erratic than those of England. They depend on the fundamental laws governing the earth's atmosphere. As the moist hot air round the earth's equatorial belt rises, cool, dry air rushes in to fill its place. But in the northern hemisphere the winds so caused do not blow due south. That the sun appears to go from east to west shows

The Punjab Climate.

[1] Authorities: *Dickson*, I-VI, IX; *P.A.R.*, 6; *Douie*, V.
[2] i.e., member of the Indian Civil Service.
[3] *Dickson*, 28.

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that the earth really turns from west to east; and it turns faster near the equator than in higher latitudes. Consequently the cool winds blowing towards the equator come from a part where the eastward rotation is slower. They therefore lag behind, and become north-easterly instead of northerly. These winds are best exemplified in the north-easterly Trade Winds of the Atlantic, which blew Columbus due south-west to the West Indies, and which his sailors feared would never blow them back again. The position of these Trade Winds varies with that of the sun. In the winter the sun goes south, and they appear in India as the north-east monsoon. In the summer when the sun comes north, they cease to affect the Indian climate.

Extremes of cold and heat.

These simple meteorological effects are complicated by the geographical situation of India. To the north lies the vast land mass of Central Asia, containing the greatest mountain systems of the world, which stretch from the region of the Pamirs eastward and northwards to the extreme verge of the continent. Between these mountain systems lies the immense plateau of Tibet, rising to an average height of about seventeen thousand feet above the sea. No other elevated region of anything like the same extent occurs in any part of the world. South of it lies the vast area of India, which for this purpose may be regarded as a plain sloping, sometimes steeply, sometimes gently, down to the coast. In winter the Tibetan plateau becomes extremely cold, and the dry cold indraught from the waterless north accentuates the ordinary north-east Trade Wind effect, so that October, November and December are usually dry with constantly increasing cold.[1] So cold does it become relatively to the provinces to the east that light westerly winds often succeed, bringing the "winter rains" due to land storms originating beyond the western frontier. As the sun moves northwards after the winter solstice[2] the Asiatic area becomes warmed up, at first quickly, then more gradually as time goes on. The north-east monsoon slowly weakens, and as it works round by the east southwards, it generally brings a few showers to mature the ripening wheat. The heating process goes on for a long time before actual reversal takes place,

[1] Lahore minimum recorded temperature, 29° F. (see Appendix II).
[2] December 21st.

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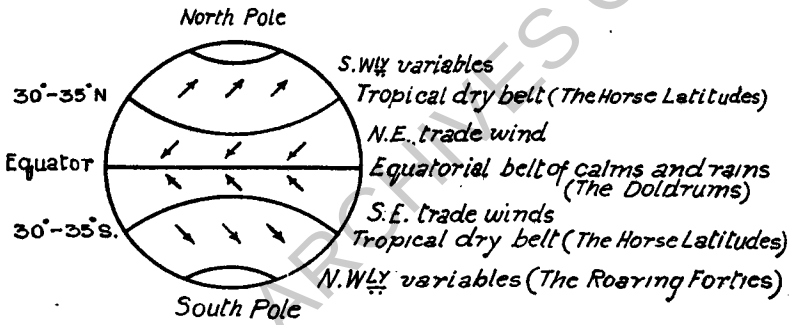
THE TRADE WINDS



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and from March to June there is a period of great heat and drought, during which temperatures up to 110° F. are often recorded.[1] The intense heat and aridity of the Punjab in the middle of the hot weather are probably unequalled in any region which receives appreciable rainfall at all, and the withering effect on the vegetation may be imagined. By the middle of June the dry sandy area of Sind, Rajputana, and the southern Punjab, glows like a furnace. The effect of the north-east Trade Wind has long disappeared, and this heated area provokes a violent indraught from the sea. The change is usually preceded by a few " unsuccessful attempts " in the form of violent thunderstorms,[2] sometimes accompanied by destructive hail. The sea wind blows from the south-west,[3] and divides into two main branches, one known as the " Bombay Current " meeting the western coast almost at right angles, and a second, the " Bengal Current " passing up the Bay of Bengal, at the head of which it meets the barrier of the Himalayas and is in part deflected westward and up the valley of the Ganges. By the time it reaches the Punjab it has considerably diminished in intensity, and though the hill regions get copious, and the submontane regions ample rain, the amount which will reach the central districts is always less, and often insufficient for the autumn harvest. The condition of the west and south-west of the Province is still more precarious. This latter tract borders on the " dead " area of Sind and Rajputana, which lies between the Bombay and Bengal currents, and it is only when the Bombay is sucked into the Bengal current that the whole Province gets the widespread rain which constitutes a good monsoon, and is so vital for the maturing of the autumn harvest and the sowing of spring crops.

Climate and vegetation.

The Punjab climate is bracing in the winter, and trying to the temper in the hot weather; but its importance to the inhabitants lies not so much in these more obvious incidents as in its effect on their food supply. Man may eat animal food but even if the animal eaten subsists on other animals, the series must end in an animal which subsists on a vegetable diet. Such meat providers as cattle

[1] Lahore maximum recorded temperature 120° F. (see Appendix II).

[2] Known popularly as the *chhoti barsat* (little rain).

[3] As the winds blow from the more rapidly rotating equator, they have an eastward tendency for the reason given on p. 2.

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or sheep devote their whole time to the collection of vegetable food in districts where the supply is so scanty that man himself is unable to gather it in sufficient quantity. In such areas the land will not yield a crop and can therefore only be used for grazing. Now vegetation requires rainfall, and the greater the heat the greater the rainfall required. Hence the value of the relatively heavy monsoon rainfall (about 13 inches in the Central Punjab) which comes just when it is most wanted; the much smaller winter rainfall (about 3 inches)[1] being sufficient for the spring crops. But the rainfall varies greatly. In the montane district of the Himalayas where it is ample, moisture is nearly always available in the soil, and this is the condition for the growth of *perennial* plants of which the representative form is the *tree*. The lower slopes of the Himalayas are therefore distinguished by natural forest growth. These forests extended originally over the submontane districts, and the hills on the frontier. It is difficult to estimate the extent of the denudation in these areas due to the goats and sheep of primitive man,[2] a denudation which was still rapidly proceeding quite recently, and is only now receiving a check. But the dry plains in the central Punjab can never have retained sufficient moisture for forest growth. In such an area only those plants can survive which can germinate while the soil is moist. Vegetation must start afresh every year; and thus consist of *annuals* which can germinate during the period in which moisture is available. Of these by far the most important representatives are to be found among the *grasses*. At the edge of the montane area and in the river beds the drought was less extreme and there grasses were heavy and grew to a great height, and with the smaller drought-resisting trees produced the dense jungle, which is the congenial haunt of the larger animals. Leopards are still plentiful in some of these tracts. Lions and tigers were also common till the nineteenth century, and even now an occasional tiger may be shot in the Siwaliks or low hills below Simla. Towards the desert of the south and west the natural vegetation becomes more in the nature of scrub. In such level plains surface drainage is slow and the soluble constituents, which are rich

[1] See Appendix III.

[2] See *Wells*, 113, for the similar denudation of south-western Arabia, the Arabia Felix of the Romans; also *P.A.R.*, 570.

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in plant food, are not washed out of the soil, which is often of great fertility, especially in the dryer parts. The tremendous possibilities of such areas, when developed by means of irrigation projects, were exemplified in the ancient civilisations by the waters of Babylon and Egypt; and are being demonstrated on a greater scale through modern engineering projects in Texas, the Soudan, Sind and the Punjab itself.

The mountain bastions of the Punjab.

The Punjab may be roughly described as a triangular plain bounded by mountains on the west and north-east, and a desert on the south. To the north-east lie the Himalayas, the loftiest mountain chain in the world. The main line of the range, the Karakoram, lies far to the north-east, and the actual boundary of the Punjab is a lower range, the Pir Panjal, whose snowy crest, reaching a height of nearly 15,000 feet, is the most conspicuous feature in the winter landscape of the submontane districts of the Province. Between these two ranges lies the famous valley of Kashmir, whose central plain, sheltered in every direction by lofty snow clad mountains, is a sunny paradise of fertility.[1] The mountain scenery of the Himalayan districts[2] of the Punjab is magnificent, and the forests are beautiful, though the general absence of running water robs the landscape of the charm which characterises the otherwise similar scenery of the Scottish Highlands. The seismic forces which elevated the Himalayas within a (geologically) recent period are still in operation, and have recently given rise to a series of destructive earthquakes. And these combined with the difficulties of communication in a region of mountain and ravine have hitherto prevented the development of the economic possibilities of this well watered area, and have rendered it a haven of refuge for indigenous races and primitive customs.[3] This racial backwater is sheltered by the almost impervious Karakoram, which is itself backed by the heights of the Tibetan plateau, here it

[1] *Cambridge*, 32.

[2] Now constituting the Kangra district and the Simla Hill States.

[3] *Baden-Powell*, 40; *P.A.R.*, 34; *Douie*, 18, 20. (Authorities are generally grouped together at the end of paragraphs or portions of paragraphs, and in such cases refer not to the immediately preceding sentence, but to the preceding paragraph or portion of a paragraph. Isolated references generally refer to the preceding sentence. This method has been followed throughout the book.)

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is true at their narrowest, but none the less almost inaccessible. But north of the apex of the triangle of the Punjab, the Karakoram range merges into the Hindu Kush, which consists of a single broad ridge, backed by no plateau, and notched by some relatively low passes. The ridge itself may be crossed, in a few days or even hours, at heights of twelve and thirteen thousand feet. The difficulties of access from Central Asia through the lowlands of Bactria and on the Oxus to the valley head of Kabul lie rather in the approaches to the passes than in the passes themselves. But human patience has in all ages succeeded in surmounting these difficulties, and the Hindu Kush, though the natural boundary of India north-westward, has been no effective barrier either in a military or commercial sense. The Hindu Kush forms the north-eastern bastion of the great plateau of Iran, comprising the modern Afghanistan, Baluchistan and Persia, which flanks India to the north-west. One route into India is that just described—from the Oxus valley over the Hindu Kush to Kabul and thence down the Kabul valley to the Indus. Another leads from the Caspian Sea to Herat and thence straight through the mountains to Kabul, or by an easier detour skirting the Afghan highlands to Kandahar and thence through Ghazni to Kabul. The route from Kabul through Ghazni to Kandahar, afterwards so celebrated for Lord Roberts' famous march, lies roughly parallel to the Indus, and forms a natural strategical base for operations against India.[1] Between it and the Indus lies the Sulaiman[2] range, skirting the Punjab and Sind, and forming a western frontier for India. These mountains are often as lofty and imposing as the Pir Panjal, but they are not so continuous ; and they are traversed by several routes, which, though difficult, are quite practicable for large armies. "These are the outlets through Afghanistan, by which Alexander the Great and all subsequent invaders have descended upon the low country of the Punjab ; and any one who, after traversing the interminable hills and stony valleys of Afghanistan, has seen, on surmounting the last ridge, the vast plain of India spreading out before him in dusky haze like a sea, may imagine the feelings with which such a prospect was surveyed by those adventurous leaders, when they first looked down upon it from the Asiatic highlands."[3] Of all these routes the most celebrated is that through the Kabul valley and the

[1] *Cambridge*, 27-9, 33-4. [2] Solomon. [3] *Lyall*, VIII, 1.

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Khaibar pass, through which passed the victorious armies of Alexander and Babar, the first Mogul Emperor, and which also witnessed the disastrous retreat of the British army from Kabul in the winter of 1841-42. An alternative route from Kabul lies through Bannu and the Kurram valley to a point lower down on the Indus, where it is joined by a route from Ghazni through the Tochi valley. But the most important route from Ghazni lies through the Gomal pass.[1] The ancient importance of this old trade route is still testified to by the thousands of well-armed Pathan traders, called Powindas, who in a succession of caravans, make their way southwards every autumn with their camel loads of fruit and silk, bales of camel and goat hair or sheepskin goods, and carpets and other merchandise from Kabul and Bokhara. Having disposed of these goods in the Punjab and even further afield, they return in the spring to the cool summits of the Afghan hills, and the open grassy plains, where their countless flocks of sheep and camels are scattered for the summer grazing.[2] Far to the south lies another route from Kandahar through Quetta and the Bolan pass to Sukkur on the Indus. But here invaders were blocked by the desert, and the conquerors of the lower Indus valley were obliged to follow the Indus up to the Punjab before striking eastwards for the great cities of the plains.[3]

The submontane tract.

To the south of, and running parallel with, the snowy mountain ridge of the Pir Panjal runs the low hill range of the Siwaliks, separated from the mountain range by a series of valleys.[4] From a height of about 5,000 feet in the east below Simla they gradually fade away towards the north. At their feet lies the submontane tract, varying from one hundred to two hundred miles in breadth, which has always been fertile and habitable and has for centuries served as the highway for invaders from the north. Near the hills " the water level is high and wells can be sunk at small expense; the climate too is temperate, and fruit notably the mango, can be grown with ease ".[5] Diminishing in height towards the north the Siwalik range increases in breadth till it finally extends over the whole north-west corner of the Province between the Himalayas and the frontier hills. Here the soil consists of disintegrated Siwalik sandstone,

[1] *Holdich*, 135-6. [2] *Holdich*, 80-91. [3] *Holdich*, 143-4.
[4] or *duns*, of which Dehra Dun (in the U.P.) is the most famous.
[5] *Darling*, 23.

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differing widely in appearance and agricultural quality from the alluvium of the true Punjab plains. "Vegetation is thin and trees are few. In the dog days cattle get a scanty shade under the thorny acacia, and in winter there are patches of young wheat as green as the emerald, but even in good years, when every available plot is sown, the country still looks rocky and bare."[1] Between this rocky area and the alluvial plains rise the "gaunt outlines of the Salt Range"[1] which time-worn though it has become through the waste of ages still rises at the small modern hill station of Sakesar, near its western extremity, to a height of 5,000 feet. Poorly wooded though they now are, these jagged and arid hills include some not infertile valleys, every inch of which is put under crop by the crowded martial population.

The Punjab plain.

But the real Punjab,[2] the land of the five rivers flowing into the Indus,[3] lies between the Jhelum, on whose banks Alexander defeated the Indian prince Porus, and the Sutlej, which later formed the south eastern boundary of the kingdom of the great Sikh ruler Ranjit Singh. Though the British Province of that name now extends from the Indus to the Jumna, the peasant of the outlying districts of Rohtak, Kangra or Mianwali will still refer to the Punjab as another country. To the south-west of the Sutlej the modern Province extends over a once desert tract into the Indo-Gangetic plain. In the extreme south-east are a few outlying spurs of the Aravalli Range, an offshoot of the Vindhya range, whose forests and jungle form the essential boundary between the Indo-Gangetic plain and the Central Indian plateau of the Dekhan. Their most northerly extremity is the historic Ridge at Delhi, which provides the stone for building that city. The only other breaks in the monotony of this vast plain are some half dozen isolated rocks, a number of petty ridges of wind-blown sand, and the mounds[4] which represent the accumulated debris of village sites. The gradual slope of the plains to the south-west, seldom exceeding two feet in a mile, determines the course of the rivers. In the process of time each stream has cut for itself a wide valley, which lies

[1] *Darling*, 84.

[2] Persian *panj* five, *ab* water.

[3] The Jhelum (Greek Hydaspes, the fabulosus Hydaspes of Horace), Chenab (Akesines), Ravi (Hydraotes), Beas (Hyphasis) and Sutlej (Zaradros).

[4] *thekhs*.

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well below the level of the plain, and whose banks mark the extreme limits of the river's course on either side. Within this valley the stream meanders in a narrow but ill-defined and ever shifting channel. In the winter the volume of water passing is comparatively small; but as the mountain snows melt at the approach of the hot season, the rivers rise and overflow the surrounding country, often to a distance of several miles on either side. At the close of the rainy season, the waters abate, leaving wide expanses of fertile loam or less fertile sand. Beyond this flooded area, the land is still comparatively low in level and moistened by percolation, so that wells, often mere holes in the ground, can be dug and water found at a depth of seven to twenty feet. This area[1] is easily cultivated, but does not give the best results, owing to the washing away of important soil constituents. Further from the river,[2] the soil is better and the country healthier. Wells are still freely sunk, but a masonry lining is generally necessary, and the labour of cultivation is much greater, including as it does the additional expense of cattle to work the wells, whose depth gradually increases from 25 to 70 feet as they recede from the river banks. The uplands[3] between the rivers are now gradually being rendered the most fertile tracts of the Province by a series of great irrigation works. Previously, however, they were desolate tracts only fit for grazing. Here and there a deep well had been sunk to afford water for cattle and man, and round each might be seen a smiling oasis of wheat; and when rain fell, which was but seldom, abundant grass afforded fodder to the large herds of cattle, whose excellent milk yielded a large and valuable supply of clarified butter.[4] Herds of camel fed on the leaves of the open jungle of stunted, but thick-stemmed and deep-rooted trees[5] which afforded large supplies of wood-fuel to their nomad owners, in their movable dwellings with roofs of thatch perched upon wooden poles. In spring alone the eye might find some relief in the pink coral-like flower of the

[1] Called variously the *dhaya*, *bet*, or *khadir*.

[2] This higher tract is called the *bangar* or *manjha*. The Manjha *par excellence* is the tract between the upper Ravi and Sutlej rivers.

[3] Known as *bars*.

[4] *ghi*, butter boiled down and strained, which in that state, keeps indefinitely and is largely used for cooking purposes by all classes.

[5] *jand* (prosopis spicigera), *jal* (salvadora oleoides) and *farash* (tamarix articulata).

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leafless caper[1] in an otherwise silent colourless country of "rolling sand dunes patched with grass and of hard, unfruitful plains glistening with salt";[2] a country recalling the Psalmist's description of a "barren and dry land where no water is".[3] Even more desolate is (for it has not yet been irrigated) the great sandy tract between the Jhelum and Indus,[4] which verges on the dead area between the Bombay and Bengal monsoon currents[5] and is not refreshed by even the scanty rains which reach the uplands between the other rivers. This desert tract forms a marked contrast to the level loamy soil of the uplands on the other side of the Jhelum. Over a somewhat similar substratum of hard level soil its surface is covered by a succession of sandhills, one following the other like the waves of an angry sea. There is hardly a tree in the whole tract, and the goats and camels of the nomad owners must subsist on the scanty grass and stunted bushes. Between the hillocks the harder subsoil appears in strips and patches, which in favourable years produce good grass and repay the cost of rude cultivation. "But at the foot of the hills and in the old high bed of the Indus there are wide spaces as desolate as the Sahara."[6] At the edge of the desert, however, a sudden descent reveals the fertile and relatively wide valley watered by the inundations of the Indus,[7] the great river from which India takes its name, down which rolls a volume of water equal to that of all the other five rivers taken together.

Gradual desiccation of the Punjab.

Such was the Punjab at the time of the British conquest, and such in essentials it must have been when Alexander's cavalry swept through it over two thousand years earlier. But the five great rivers of the Punjab have repeatedly changed their courses and their junctions with the Indus.[8] Aristobulus, Alexander's geographical expert, saw the remains of over a thousand towns and villages in a region left desert by a shifting of the Indus to the east,[9] and similar old river beds may be traced to-day. One large river,[10] the Hakra, which gave life and wealth to the desert wastes of Rajputana and Sind, has ceased

[1] *karil* (capparis aphylla).
[2] *Darling*, 129.
[3] Psalm lxiii, 2.
[4] Known as the Thal.
[5] p. 3.
[6] *Darling*, 106.
[7] Sanskrit "Sindhu" (literally river or flood).
[8] Probably by silting up (see p. 9).
[9] *Cambridge*, 403.
[10] Now marked by the course of the Ghaggar which only flows after rain.

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to exist ; another, the Saraswati, whose praises were sung by the poets of the Aryan invaders, has dwindled to an insignificant stream. The reckless deforestation, which is known to have reduced the once fertile hills of the Frontier and the Salt Range and Siwaliks to arid wastes, must have had its counterpart in more ancient times, and would account for the gradual drying up of the Province, which continued till quite recently. This theory is endorsed by the countless remains of cities[1] and villages of whose history there is no trace, in areas which were subsequently abandoned to the camel and the goat. The very name of the arid area of Hariana (=Greenland)[2] is reminiscent of the time when this was a rich and fertile tract watered by the Saraswati and the scene of a flourishing Hindu civilisation, and even in the time of Tamerlane[3] there were sugar-cane jungles in the now waterless country round Tohana in that area. Irrigation is, however, now doing something to restore its old greenness to Hariana. A further proof of the greater fertility of areas now given over to sandy waste is to be found in the fact that of the twenty satrapies of the Persian Empire, that of "India" (the now mainly desert areas of Sindh and the south-west Punjab) yielded a revenue equal to a third of the whole Empire.[4]

2. The Nomads[5]

> Round the family do indeed gather the sanctities that separate men from ants and bees. Decency is the curtain of that tent ; liberty is the wall of that city ; property is but the family farm ; honour is but the family flag.
>
> Chesterton : *The Everlasting Man.*

Nomad life.

The Punjab is to-day part of British India, and is cut off politically from the highlands of the north-west. Previous to the British conquest, however, no power, which was not also in possession of the Afghan highlands, was able to

[1] e.g., Agroha in the Hissar district, and Harappa in the Montgomery district.

[2] From *hara*=green. This area comprises the eastern half of the modern Hissar district and parts of the Rohtak district and of Jind and Patiala States.

[3] A.D. 1398.

[4] *Baden-Powell*, 94 ; *Holderness*, 24 ; *Douie*, 32, 39 ; *Smith*, 98 ; *Gazetteer*, 222-3.

[5] Authorities : *Myres*, 16-22 ; *Dickson*, 232-3 ; *Jenks*, III ; *Ancient Law*, 123-170, 258, 270 ; *Maine*, 54.

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hold the Punjab for any length of time. Once the Frontier passes were lost, the way lay open to invaders from the vast plains of Central Asia. Consequently the Punjab of history has been more influenced by the inhabitants of those plains than by its Indian neighbours, who except for a brief period under the great Mahratta leader, Sindhia,[1] have never had the power or even the wish to attack the hardier and more manly races of the Punjab.

The north-east Trade Winds, which only visit the Punjab for a short period in the winter,[2] blow continuously over the plains of Central Asia to the north; and blowing as they do over the largest land surface of the globe, they bring no moisture to fertilise those desolate steppes. In such a waterless land the primitive hunter learns by the necessities of existence to tame oxen and sheep, and so eventually becomes the owner of the flocks and herds, with which he travels from place to place seeking pasture; greatly aided in his mobility by the camels and horses which he also eventually learns to tame. A day's march is not a day's march to him—it is a day's normal occupation. The yearly shift in search of fresh pasture is not a flitting on a holiday tour; it is as much a part of the year's life as the change of raiment between summer and winter. Everything moves; the home is not left behind; every man, woman, and child of the family has a recognised share in the general shift.[3] "Wandering thus in the trail of his flocks as they move from earlier to later pastures, he can (in the graphic phrase of Aristotle) cultivate a migratory farm, and maintain himself alive over wide tracts of country where otherwise he would surely die. But once launched on a pastoral career, through the one initial discovery of domestication, man becomes little more than the parasite of the milk-giving animals which he tends. He can defend them against beasts of prey and perhaps even aid them in their choice of pastures. But in general he has nothing to do but to follow their habitual instinctive migrations round the year, and to draw from them his daily food when they come morning and evening for accustomed relief. Even the docile horse, which not only feeds its keeper but will carry him on its back from one green patch to another, is really master of the situation, for he too will not go far beyond the limits of his food. Only the camel has commissariat inside; and even

[1] p. 152. [2] p 2. [3] *Holdich*, 23-4.

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this is no good to the rider."[1] Nor has the nomad's ingenuity much scope to devise collateral occupations. To improve the pastures is out of his power. Industry is confined to the manufacture of necessaries for camping; his flocks and herds provide most of the raw materials required. These raw materials are "always to hand, so there is no use in accumulating them in advance; and to manufacture in advance of demand is simply to cumber the baggage each time the camp is moved on. Within a single family no one pays or receives wages; there are no profits, no savings; almost no individual property but a favourite ox-goad or dagger; the soil is as free as the sea with ourselves; the grass is common property till it is grazed, as a fish before it is caught. Foresight and the rewards of skill and the attractions of labour are thus reduced to a minimum."[2]

The patriarchal system.

But a moving camp requires a quasi-military organisation. There can be no freedom for the individualist who thinks differently from other people, and would rather go his own way. Orders must be given by someone and by whom better than the father of the family with his wider experience? His women accompany him and are therefore permanently married to him, and they, together with the children, and animals who dwell in the neighbouring tents, form the "family" of which he is the "patriarch". Children he must have, to look after young animals, and the well-being of the patriarchal family depends so directly on the number of its flocks that it can do with almost any quantity of children. Children in fact, are a very paying form of property, "an heritage and gift which cometh of the Lord". If the supply runs short, they are even stolen from unwary neighbours, and become slaves, yet still members of the family, or if attractive they may even be adopted as sons. In such a society the power of the patriarch is supreme. Sons are valued as potential patriarchs of the future, and women tend to be assimilated to the children, slaves, and animals who complete the moving camp; though occasionally a woman of strong personality may assume the government of the family during the minority of her sons.[3] Thus kinship is reckoned through males only,[4] and men are counted of kin

[1] *Myres*, 16, 17. [2] *Myres*, 18, 19. [3] *Maine*, 54.

[4] Known as *agnatic* kinship, as opposed to *cognatic* kinship which is natural kinship through males or females.

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because they are descended from the same male ancestor. Sometimes, no doubt, the relationship is rather fictitious than real, as in the case when the deficiencies in a family are made up through adoption. And such kinship is the only "political" bond known. The members of a migratory encampment have no country to which they can own allegiance. Outsiders can have no "political" rights; if they are not admitted to the group of kinsmen by the method of adoption, they can only be slaves. Moreover such a camp will be an aggregation not of individuals but of families. If an individual does wrong the tribe will fix responsibility on the head of the family and leave the latter to deal with the individual. Where the family bond is particularly strong it may continue even after the death of its patriarchal head, and a *clan* of kinsmen will be formed consisting of a number of families. So strong is the feeling of kinship and so important is it as a bond of "political" association, that a united group of such clans will often feel that they must be akin, and will say (as the Israelites) "we have Abraham to our father" or (as the Dorian invaders of Greece) "we are the sons of Hercules".

Military efficiency of the nomad.

Such a society has achieved a perfect adaptation to the nomadic life, and as long as it continues nomadic no further progress is possible. It remains unchanged by the scientific, economic and political discoveries of more settled races till it collides with them. But it has its own elements of strength. Its numbers rapidly increase, and its quasi-military organisation and mobility render it a peculiarly effective military machine. The strenuous outdoor life eliminates the unfit, and occasional brushes with neighbouring tribes approximate the conditions to those of continuous "active service". Finally the lean years come. The withered pastures will no longer support the ever increasing numbers, and under a leader of genius[1], a Moses, an Attila, or a Tamerlane, the whole mass is precipitated with irresistible force on the fertile plains of Palestine, Hungary, or the Punjab.

[1] cf. the way in which Montrose, Dundee, and Prince Charles Edward precipitated the patriarchal Highlanders on the Lowlands of Scotland.

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3. Agriculture and the Village Community[1]

Primitive agriculture.

In the steppes of Central Asia and the deserts of Arabia primitive man specialised as a nomad. But in the moister grass regions, and near the edge of the forests of India and other sub-tropical countries, "man, or more probably woman, discovered that certain heavy grasses yielded seeds which when dried in the sun formed a food-stuff good to eat and capable of being preserved for an indefinite time by the mere process of drying. At quite an early stage primitive forest man or his wife took advantage of the opportunities afforded by the settled life possible where food can be stored, and succeeded by some process of selection in greatly improving on these grasses and increasing their yield many-fold."[2] "Land was at first only roughly cleared, the natural growth being frequently removed by fire; the seed was then sown in the virgin soil and the crop reared with practically no cultivation."[3] With the accessibility of an increased food-supply a group of individuals larger than the family could live in one place. When the harvest was gathered such a "tribe" could wander about hunting till the next sowing season arrived. With favourable seasons the tribe would increase, but with a series of lean years the check of famine would supervene. As the tribe's food-supply came to depend more on agriculture and less on hunting, the convenience of a fixed abode came to be realised, and the tribe would create a permanent clearance in the surrounding wild, and erect the permanent dwelling places which constituted the primitive village.

Rice cultivation.

Cultivation then followed, as it still follows, two main lines: the two great cultivated crops of the world are, and always have been, rice and wheat. Rice cultivation is a difficult art, and the crop can only be grown under special conditions. Temperature must average at least about 70° F. during the six months of growth and during most of that period the water supply must be under complete control. A "paddy" field has an impermeable subsoil or retentive *pan*, or ground water close to the surface, and arrangements must be made for flooding and drying at will. The seed is sown in mud or under water, either on the field or

[1] Authorities: *Dickson*, X; *Baden-Powell*, 51, 52, 56; *Myres*, 23-5; *L.S.B.I.*, vol. I, 116; *Agricultural Practice*, III.

[2] *Dickson*, 234. [3] *Agricultural Practice*, 15, 16.

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in beds from which the seedlings are afterwards planted out. Every night the young plants are flooded to prevent damage by cold, and every day the water is drawn off to avoid burning by the sun. At a later stage the soil is usually kept flooded continuously. As the plants change colour when ripening begins, the ground is gradually allowed to dry and harden, against the harvest.[1] Now great heat and excessive moisture, with a drying period to follow, are characteristic of Bengal, Madras, and parts of the United Provinces and Bombay, which receive the full force of the monsoon. In the Punjab these conditions are only reproduced in the montane and submontane areas, and in the river beds. Now rice cultivation is not so much agriculture, as gardening, and requires labour not so much arduous as continuous. But rice gives the largest yield per acre of any of the great food crops; and a cultivator can easily raise a crop considerably larger than is required for himself and his family. Hence the rice-growing tracts of India were able to maintain from the first a dense settled population of intensive cultivators, gardeners in fact, who were able to support both themselves and an additional population of craftsmen and thinkers. Rice cultivation thus provides the necessary conditions for an early civilisation. But such a population is absorbed in the business of gardening; it has no necessity for the quasi-military quasi-political organisation of the patriarchal nomad. It lives in a most enervating climate, and is compelled by the conditions of its existence to remain fixed in one spot. Its superior civilisation therefore affords it little protection against the rapid mobility and superior physique and organisation of the nomad.[2]

[1] *Dickson*, 235.

[2] See p. 14; *Dickson*, 236-7. These influences are observable to-day. The Indian fighting races, "the men that count" (*O'Dwyer*, 421) come from the wheat-growing and not the rice-growing provinces of India. The following figures illustrate the inability of the rice-growing provinces to produce recruits in the Great War:

	Million acres. (1922-23).		*Recruits* (thousands).
	Rice.	Wheat.	
Punjab	.9	9.6	350
United Provinces	7.0	7.1	142
Bombay	3.1	2.0	35
Frontier Province	0	1.1	32
Bengal	21.8	0	6
Madras	11.2	0	46

(See *Year Book*, 305, and *O'Dwyer*, 419. The Bengal and Madras recruits had little value in the firing line.)

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From the first the dry climate of the Punjab rendered impossible the growth of a civilisation based on rice, for which sufficient moisture could only be obtained in the flooded river beds[1] or in the Himalayan valleys with their copious rainfall.[2] In the hill forests the primitive tribe would kill the larger trees by ringing, and burn the smaller ones. On the advent of the summer rains the ashes were mixed with rice seed and dibbled in the ground. After harvesting one or two crops, the tribe would move on to a new locality. But in specially favoured spots, such as the level ground at the bottom of river valleys, or other level areas where the fertilising mud and detritus from mountain torrents had accumulated, there was no advantage in moving on. Such advantageous sites could be increased artificially by banking up terraces with the stones picked out of the fields. Later it was found possible to provide an additional water supply by conducting the water of a hill rivulet to the spot by means of a channel along the contour of the hillside.

Wheat cultivation in the Plains.

Rice cultivation implies an immobile laborious unmilitary population in a moist climate. Wheat requires less water. It is moreover an exhausting crop, and the yield per acre diminishes greatly after the first few years, as the soil does not receive the fresh fertilisation which characterises the well-watered rice-growing tracts. Consequently it did not originally pay a wheat-growing population to remain permanently in one place. Wheat-growing was therefore the most suitable form of agriculture for the nomad; and it formed a profitable side industry for the early nomads of the inter-riverain uplands of the Punjab. Where water was scarce, cultivation would be confined to a small area round a well. Nearer the rivers and in the sub-montane tracts the nomad would be more of an agriculturist, and the earliest recorded agriculture differed little from that of the unprogressive Punjab village of to-day. Then as now there were two annual harvests in spring and autumn. Rice and millet were sown in the summer, and wheat and barley in the winter. Beans and sesamum, from which oil was extracted, planted in the time of the summer rains, ripened in the winter.[3] Sugar-cane, to the Greeks "the reeds that make honey without the agency of bees" was grown in the river valleys; and the cotton plant yielding vegetable wool

[1] p. 9. [2] p. 4. [3] *Cambridge*, 135.

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"surpassing in beauty and quality the wool of sheep",[1] furnished the material for clothing from the earliest times.[2] But though the Province was then less dry than subsequently[3] and supported a flourishing agriculture; its inhabitants were nevertheless more nomadic, and therefore more patriarchal and military, than those of the moister and more fertile provinces of India.

The village community.

When the primitive agricultural tribes ceased to wander, and settled down to cultivate a fixed area of land, and to inhabit dwellings of a more or less permanent nature, the advantage to be gained by grouping those dwellings together in a village became early manifest. Union is strength, and the conditions of early agriculture in India specially called for some kind of union. Cultivating as they did a clearance in the midst of the jungle, the inhabitants, if united, were better able to protect each other against the depredations of deer and pig on the crops, and the danger to human life from the larger beasts of the forest. In a more open country there would be also human enemies to fear, and a place of refuge would be required from the attacks of the wandering nomad. Mud walls and stout gates would be built, within which the cattle could be secured and the cultivators find refuge against a foray. But such an aggregate must be limited in size. The cultivator's house must not be too far from his field, and the elementary political and economic organisation of the time would become unmanageable if many more than two hundred families were congregated together. Often the nature of the ground would render such a large aggregation impossible, and the small collection of houses would more resemble a hamlet than a village.[4] The early village community was not peculiar to India. Similar causes led to similar aggregations in all early agricultural communities. From the earliest times the village community characterised the economy of the agricultural plain of East Anglia in England; and relics of this earliest political entity survive in agricultural districts throughout Europe to the present day. But in India the powers of nature have always been more formidable than elsewhere; earthquakes, floods, wild beasts, and still wilder man rendered union not only desirable but imperative; and it was in India that

[1] *Herodotus*, Bk. III, ch. 106. [2] *Cambridge*, 396, 404. [3] pp. 10, 11.
[4] *Baden-Powell*, 67, 405; *L.S.B.I.*, vol. I, 108-9.

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the village community attained, and often still retains, its most perfect form.[1]

Villages in the Punjab.

The actual structure of such a village would depend on climate and local situation. In the mountain districts of the Punjab a style of building was evolved, not unlike that of a Swiss cottage. The walls were built of wood from the forest, or stone from the mountain side. Split slabs of wood, or better still great rough-hewn slates, roofed in the inmates against the deluging rains of the monsoon. Such buildings were grouped in small hamlets on the scattered terraces of cultivated land. In the plains the groups were larger, and a village might in exceptional cases contain as many as four hundred houses, and a further increase in the number of families might lead to the establishment of several subsidiary hamlets. The houses were built of sun-dried mud bricks with flat roofs. Grouped together on the highest eminence in the low lying fertile land near the rivers, these dwellings formed a dry refuge for their inhabitants during the monsoon floods. As the flimsy houses fell down, others would be built over them, the village site rising higher and higher till it formed the most conspicuous land-mark in the boundless plain; and at the present day the antiquity of a site may be roughly gauged by its height above the level plain surrounding it. The earth for building the houses and for the walls of the village was obtained by digging out one or more ponds, which filled with rain-water and afforded a drinking place for cattle and even (in the dryer tracts) man, and a wallowing place for the water-loving buffalo in the hot weather.[2] The village was generally enclosed by a wall or stockade with gates, outside which lay the arable land, guarded by fences, snares and field-watchmen from instrusive birds and beasts. Outside this again lay the village pasture and its woodland or uncleared jungle.[3]

The village organisation.

In the earliest village each man cultivated the land which he had himself reclaimed from the jungle, or which he had inherited or acquired from such a reclaimer. But the land lay open, the different fields being

[1] *Seebohm*, 437; *Irvine*, 117.

[2] *Baden-Powell*, 72-3. This description applies to many villages of the present day, which are still built and organised in the most primitive manner.

[3] *Cambridge*, 301-2.

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separated only by balks, or banks of unploughed earth. The waste surrounding the village was used for grazing and wood-cutting by all. Disputes were settled by a hereditary headman. Communication with the outside world was poor and unsafe, and the village community therefore included a nearly complete establishment of occupations and trades, which enabled it to continue its collective life without assistance from any external person or body. Eventually it included a night watchman for police work; a messenger for communication with the outside world; a potter[1] to furnish simple household utensils; a cobbler[2] to make the villager's shoes and plough harness or gear; a carpenter[3] to fashion agricultural implements and help in housebuilding; and a money-lender to finance those who required it. Sometimes a dancing girl was attached to the village, always a barber[4] who also acted as marriage broker and surgeon. Sometimes also there was an astrologer and even a "witch finder". Such village servants were not paid by the job, but by a regular annual income, on receipt of which they were bound to work for every village resident without further payment. Originally they were granted holdings of land, large in the case of the headman, small in the case of other servants. Later the more common method was to allow the artizans definite shares when the grain was divided at harvest.[5] Primitive though this organisation was, it inspired a spirit of mutual good-will and friendliness. "Isolation and insecurity bred a corporate spirit, which civilisation with its individualising touch has almost destroyed."[6] Slowly and with difficulty the social reformer of to-day is endeavouring by means of Co-operation to call back to life that joyous mutual endeavour towards the common weal which characterised the village life of the Merrie England of the Middle Ages, and still characterises those Punjab villages which have not been poisoned by the apples of discord given them by the lawyer and the politician.

[1] *kumhar.*

[2] *mochi.*

[3] *tarkhan.*

[4] *nai.* These are the modern terms.

[5] *Baden-Powell*, 12, 242; *L.S.B.I.*, vol. I, 107, 129, 149-54 *Jenks*, 49-53; *Holderness*, 148; *Maine*, 126.

[6] *Darling, Co-operation*, 164.

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4. The Coming of the Nomad

Ye have dwelt long enough in this hill country. Behold I have set the land before you, go in and possess it. Behold ye are this day as the stars of heaven for multitude.

Deuteronomy, i. 6, 8, 10.

Cain and Abel in the early Punjab.

While a civilisation based on agriculture was slowly growing up in the great plain of northern India, the pressure of the ever increasing nomadic population of Central Asia on grazing grounds, which were becoming gradually drier, grew to breaking point. "It was inevitable that the nomad folk and the settled folk should clash, that the nomads should seem hard barbarians to the settled peoples, and the settled people soft and effeminate and very good plunder to the nomad peoples." The early civilisations of Mesopotamia, Egypt, and Palestine were continually invaded by nomad tribes from the Arabian desert. The ripening wheat of the agriculturist Cain must have seemed excellent grazing to the pastoral Abel; and when Cain took his revenge for the damage to his crop, Abel's brethren would retaliate by raiding and looting. That sort of mutual friction might go on for many generations. "But ever and again would arise some leader powerful enough to unite the neighbouring tribes and then woe betide the nearest civilisation. Down pour the united nomads on the unwarlike, unarmed plains, and there ensues a war of conquest. Instead of carrying off the booty, the conquerors settle down on the conquered land which becomes all booty for them; the villagers and townsmen are reduced to servitude and tribute-paying, they become hewers of wood and drawers of water, and the leaders of the nomads become kings and princes, masters and aristocrats."[1] India lay less open to such invasions than the great river civilisations to the west, but from the first the herdmen of the hill forests must have found the plains tempting to plunder. Gradually the news would spread, and when once it had filtered through to Central Asia, and the great road through the Khaibar was discovered, such invasions became a chronic feature of Indian history. But these immigrations were not all of the same nature, nor did they all produce the same effect on the population of India. At the most remote period they were slow persistent

[1] *Wells*, 104-5. See also *Myres*, 14, 15.

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movements of whole tribes, or collections of tribes, with their women and children, their flocks and herds. But with the gradual desiccation of the nomad breeding grounds of Central Asia tribal movements on this scale became difficult, and eventually they were reduced to little more than organised expeditions of armed men. The former class of invasions exercised a permanent influence on the racial conditions of the Punjab, the influence of the latter was rather political or social.[1]

Allotment of the conquered land.

The Punjab had to bear the full brunt of these attacks, and there the patriarchal system of the invaders almost obliterated the old institutions of the agriculturist village community. In many parts the new comers were able to continue their old nomadic life; and even where they settled down to agriculture they maintained their old patriarchal institutions as far as possible. The land conquered by a tribe was first divided into great blocks of territory, each of which was assigned to a patriarchal clan.[2] Where there were villages, they were then allotted to subsections of clans, and where the cultivating population was scattered in small hamlets over the fields, the clansmen would themselves occupy a central village of some strength and size.[3] In the village itself land was allotted out by families, each family obtaining as far as possible an equal share. As equal division among sons was the rule of inheritance these shares would become unequal after a generation or so; and the inequality was then generally rectified by a second redistribution, again giving each family an equal share.[4] Less frequently the land would on occupation be distributed in ancestral shares according to the pedigree table, in descent from the heads of each recognised group. Sometimes a family would obtain possession of an isolated village and would gradually grow into a clan by breaking up and cultivating fresh land in the neighbourhood. Unacquired waste was common property, just as the air, or the water of a river or lake was common. The old patriarchal spirit of unity among clansmen united the whole clan to attack a neighbour or to defend the possessions of each constituent family. The craving after warfare and wild enterprise, which are part of

[1] *Cambridge*, 38-9. [2] p. 14. [3] *P.A.R.*, 614.

[4] Cf. the jubilee redistribution every fiftieth year enjoined by Jewish law. Leviticus, xxv. 13.

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the inheritance of the nomad,[1] from the first invested the inhabitants of the Punjab with a military spirit hardly to be found elsewhere in India.[2]

Tribal government.

The executive authority of a tribe was vested in a committee[3] of elders, who were the heads of clans. Such a committee of elders would arrange the allotment of lands amongst the members of the tribe, and would act as a council of war, and as custodian of the customary lore and religious worship of the tribe. It was presided over by one member, elected as office-holder, who bore the title *raja*, which afterwards came to mean king, but which then like the Homeric βασιλεύς or the early Roman rex had not acquired the full meaning which was later associated with kingship.[4] Custom prescribed that the elders should live on ordinary days as simply as their poorer neighbours ; there was no humiliating interval between them and the other members of the tribe. These chiefs were the fathers of the clan, receiving a prompt and childlike obedience in time of war, administering justice with an authority that rested on custom rather than on force, and therefore obeyed and loved in proportion as they were themselves true to traditional usages.[5] Important administrative business, however, and also the more important judicial acts were carried out in public assembly, at which young and old were alike present, and which was held in a mote-hall, a mere roof supported by pillars, without walls.[6]

The new type of village community.

The structure of the village community also underwent modification on patriarchal lines. The conquering clansmen constituted a strong joint-body, generally claiming descent from a single head, which, while jealously insisting on equality among members, maintained its superiority to the original inhabitants. These latter were reduced to the position of tenants and servants to the conquerors. The joint body of clansmen owned the site on which the village habitations, the tank and the cattle-stand stood, the others lived in it and used it only by

[1] e.g. in the Welsh tribes. *Seebohm*, 188.

[2] Authorities : *Baden-Powell*, 227, 243 foll., 268-9, 407-15 ; *Seebohm*, 438-9 ; *P.A.R.*, 614 ; *L.S.B.I.*, vol. I, 109.

[3] Now called *Panchayat*, from *panch* five ; five being the most usual number of such a committee.

[4] *Cambridge*, 177.

[5] *Baden-Powell*, 98 ; *Jenks*, 39 ; *Robertson Smith*, 93-4, 197.

[6] *Cambridge*, 176.

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permission, perhaps on payment of small dues to the proprietary body. The same joint-body owned the waste, from which they alone received and distributed any profits from grazing, sale of grass or jungle fruits or fisheries. If the waste land was broken up by tenants, the joint-body divided the rents, if it was partitioned among the clansmen, each would get his due portion. The system of administration was similar to that of the clan, only on a smaller scale. The allotment of lands, the settlement of disputes, and other matters of village administration were dealt with by a committee of elders with an elected president, consisting of the heads of the leading families, subject to the control of a public assembly of all the joint-body, for whose deliberation important administrative and judicial acts were reserved, and which met in a village hall which was frequently also a fort.[1] Such a joint-body, with its equality among members, and superiority to outsiders, its real or assumed kinship, and its managing committee, presents striking analogies to the *gens* of ancient Rome and the γένος of ancient Athens, themselves also the relics of the still more ancient patriarchal past of the nomad Aryan invaders of Italy and Greece.[2]

The patriarchal family, whose head sat on the committee of elders, was a much bigger thing than the modern family, which generally consists of only a father with his wife and children. All the descendants of an old man still living would constitute a family. Thus the eldest living ancestor, as chief of the household occupying the principal homestead, might well live to see growing up round him a family group extending to his great-grand children. This would constitute the family of close-kindred. But such a family group might be still further extended. Looking backward to his own childhood the same patriarch might well recollect his own great-grand-father sitting as head of the household at the same hearth, just as his great grand-children would some day thereafter remember him. Thus the extreme natural reach of the knowledge of the head of the household might cover seven generations. So that kindred to the seventh degree came to be a recognised limit of natural direct connection, constituting the wider kindred within which members all recognised themselves as akin. Such a kindred often cultivated lands

[1] *Cambridge*, 474.

[2] *Warde Fowler*, 28-37; *L.S.B.I.*, vol. I, 107; *Ancient Law*, 264.

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in association, each individual taking as much of the produce thus jointly produced as was calculated to support him for a year.[1] Large joint families of this kind characterised early tribal India, and the same principle governs the Hindu joint family of the day. Nor has it been confined to India. In ancient Rome and Greece, in the Palestine of the Old Testament, in tribal Wales, and mediæval Europe, similar extensions of the family bore witness to the descent of the inhabitants from patriarchal nomads.[2]

But while the overlordship of the village was vested in the joint body of clansmen, some kind of right was allowed to those of the older inhabitants who continued to cultivate the land. Reduced though they were to the status of tenants, and compelled to reside apart on the outskirts of the village, both equity and policy forbad their ejection from the land they cultivated. Land in those days was plentiful, and cultivators scarce, and if treated too harshly they might run away. The right of a man to the land which he had broken up for tillage[3] was still recognised. But while a clansman would cultivate it free, unless he had taken a share of the waste larger than that to which he was entitled, a non-clansman would have to pay to the joint-body of clansmen a rent, which generally took the form of a share of the produce.[4]

Settlement of disputes.

The strict discipline of the patriarchal system rendered crime rare, and it was the rarer because when it did occur the consequences were so disastrous. "Whoso sheddeth man's blood, by man shall his blood be shed," ran the early rule of all nomad communities. And it was not a question of individual punishment. The sins of the fathers were visited on the children to the third and fourth generation. The family of the murdered man must take vengeance on the family of the murderer. A blood feud arose which might last for generations. Such a feud would disorganise the tribe, and to avoid it the relatives of the murderer would try to appease the wronged family. They would offer compensation, which would be proportioned to the importance

[1] *Cambridge*, 414, quoting the observations of Nearchus, Alexander's admiral.

[2] *Baden-Powell*, 233-40; *Irvine*, 33 foll.; Seebohm, *Tribal System in Wales*, 84; Seebohm, *On the Structure of the Greek Tribal Society: An Essay* (Macmillan, 1895).

[3] p. 19.

[4] *Baden-Powell*, 434; *Seebohm*, 191.

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of the murdered man, which could be roughly measured by the amount of cattle which he owned. The tribal elders would do all that they could to have the matter patched up, and would, as time went on, bring more and more influence to bear in the direction of the amicable settlement of such crimes. But when the wrong was committed against a member of another tribe accommodation would be more difficult, and an interminable feud might produce a state of chronic inter-tribal war.[1] But within the tribe accommodation was easier, and from the repression of crimes of violence the elders would gradually come to settle differences of a less deadly nature. The binding force of bargains depended at first, not on any public sense of moral obligation or of the national advantages of traffic and credit. "Mutual interest prompted to transactions, and their efficacy, except in cases of immediate exchanges, was secured by ceremonies which involved the recognised deities as witnesses and devoted to their wrath the contractor who failed to carry out his undertaking." It was probably as the guardian of the honour of tribal gods that the elders first interfered to compel the performance of engagements, the ultimate sanction for which was religious dread.[2]

Growth of custom.

At first the elders would deal with each case separately. Their decisions would not be connected by any thread of principle; they were separate isolated judgments.[3] The celebrated judgment of Solomon, ordering the division of the baby between the two women who each claimed to be its mother, was applauded as a masterpiece of early tribal justice.[4] But gradually a similarity would be observed in certain groups of cases, and the elders would be expected to follow what was now recognised to be the custom. And such custom would not only apply to these quasi-judicial decisions. All inter-family relations came to be fixed in an unbreakable crust of custom. But though such a system hindered innovation, and therefore progress, it was not without its advantages. Before the age of written records it was only by means of a comparatively rigid custom that the

[1] *Robertson Smith*, 310; *Jenks*, 40-1.

[2] *West*, 2.

[3] *Ancient Law*, 5; Maine is referring to the *themistes* of the Homeric "kings" who were really tribal elders. Some of the decisions of the Judges of the Punjab High Court on Punjab customary law resemble the *themistes* of the Homeric "kings" in this respect.

[4] 1 Kings, iii. 28.

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experience of past generations could be handed on to their successors. No improvement could be adopted which had not met with general approval; but if it did pass this test it would not disappear with the death of the inventor, but would be passed on to succeeding generations. It is this process of successive slow minor approximations towards a constantly improving ideal which accounts for the beauty and grace of the clothes, the swords, and ornaments, and the musical charm of the ballads of relatively primitive races. The vulgarity which too often characterises similar accompaniments of modern life would have been severely restrained in a tribe governed by custom.[1] In daily life generally custom made for continuity and order. In agriculture a rigid adherence to tradition was almost a necessity. Difficulties and dangers beset the agriculturist in any case, and he has no time for experiments. Even the Punjab Agricultural Department of to-day, with all the resources of modern science at its back, hesitates to recommend an innovation till it has been subjected to every possible test. For it is well known that such innovations may only remove one difficulty by creating another. An improved plough may require stronger cattle, which means an improved breed. The different details of a system of cultivation are, in fact, so interlocked that any one improvement may necessitate a complete alteration all along the line. And a man cannot be indifferent to his neighbours. If he grows crops when their fields are lying fallow and used for stubble grazing, their cattle will probably also browse on the innovator's crops. "A scattered population had little opportunity for the stimulus and suggestion which one man can derive from the thoughts and experiences of another. Tradition ruled; and particular experiences seldom developed into successive steps of cumulative progress. Emergency and opportunity have certainly proved agricultural populations to be strong in resource as well as resolution. But yet the conditions of agricultural life have not been such as to bring to the front those men, who had the faculties requisite for making great occasions for themselves." The hereditary tenure of land gave the enterprising cultivator no special scope for his abilities. "Moreover every agricultural problem has peculiarities of its own; and some sides of it can be mastered

[1] *Robertson Smith*, 199; *Marshall*, 197-9; *Woodrow Wilson*, 27 foll.; *Jenks*, 41-2.

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by a shrewd, experienced, alert instinctive judgment better than by systematic reasoning based on ordered knowledge. Thus the instinct and insight of the agriculturist have for the greater part died with him. The progress of his art remained for the greater part empirical."[1] And the necessity of a rigid adherence to custom in his greatest occupation has always tended to impress on the cultivator the undesirability of changes in any sphere of his life, and to render him the bulwark of tradition and conservatism throughout history.[2]

[1] *Marshall*, 199-200.
[2] *Irvine*, 169; *Jenks*, 52; *Maine*, 164.

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CHAPTER II

THE MAKING OF THE PUNJAB

1. The Aryans and their Predecessors[1]

Situated on the edge of the monsoon area, the great agricultural possibilities of the soil of the Punjab plain have always been limited by a lack of water. Early agriculture was therefore confined to the submontane area and the river valleys, a tract which in primitive times was probably more extensive than to-day. This agriculture, based mainly on wheat, bred up a manlier race than the rice-fed populations of Bengal and South India, and one whose hardiness was accentuated by the rigour of the climate, and the invasions of hardy nomad races from central and western Asia. These nomads were organised in clans of kindred on the quasi-military patriarchal system, an organisation which was imposed by them on the village community of the early agriculturists and profoundly modified its structure. These invasions were continually repeated. The political history of the Punjab is hardly more than a record of the more recent. But these must have been preceded by others, whose story is lost in obscurity. These early invaders found in India "vast territories covered by forest, the home of countless wild beasts and scanty tribes of savage men of short stature and with broad (platyrhine) noses indicating a possible ethnical connection with the Australian aborigines.[2] These savages worshipped purely local "godlings", often without distinct names or functions, whose presence was denoted by a rough idol or a single block of stone or wood placed under a tree or rock or on some high place, and daubed with vermilion colour as a token of reverence. There the women would make simple offerings of milk or fruit

The earliest inhabitants and their religion.

[1] A good deal of this section is based on probable conjecture rather than verifiable history.

[2] *Cambridge*, 41.

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or light a lamp at night, to thank the kindly, and propitiate the harmful godlings. Each village had also its sacred fig tree,[1] which gave shade to the cultivator from the noon-day heat. In the mountains, the grandeur of the natural features and the magnitude of the physical forces displayed led the inhabitants to deify the natural objects by which they were surrounded, or rather to assign to each its presiding genius, and to attribute to those demons a more or less malevolent character. A shrine would be erected in a forest, or cave, on a mountain peak, or by a lake or waterfall. Each godling had his feast day to which neighbouring deities would be invited to attend. Sheep or goats were sacrificed, and the people amused themselves with dances in which the man-borne deity was often pleased to join.[2]

The Dravidian heliolithic civilisation.

Such was the condition of the country, when from Tibet, and from China through Burma, there filtered through the passes to the north-east of India a Mongolian race of short yellowish brown men, with broad heads, flat noses, and narrow slanting eyes, whose present predominance in Tibet and Burma has caused them to be denominated the Tibeto-Burman race. Impeded by the dense jungle and wild inhabitants of the lower Himalayas these invaders advanced slowly along the outer ranges of the Himalayan mountains[3] till they reached the hill districts of the Punjab and Kashmir, where they gradually settled down to agriculture.[4] But the best parts of India were occupied by invaders from the north-west, of whom the latest, the Dravidians, occupied the plains, leaving great stretches of forest and hilly jungle-clad country either waste or inhabited only by the aborigines. Contact was established with the outside world, and the primitive culture of those days reached India. The great megalithic monuments at Stonehenge in Wiltshire[5] and at Carnac in Brittany,[6] the early civilisation of Crete, Egypt, and the plain of Shinar,[7] all indicate a widespread primitive culture.[8] Many of the distinctive practices of this

[1] The *pipal* (*ficus religiosa*) and the *banyan* (*ficus indica*).

[2] *Smith*, 28; *Baden-Powell*, 82-4, 159-61; *L.S.B.I.*, vol. II, 612; *Marsden*, 25-8, 164; *Holderness*, 109-10, 119; *P.A.R.*, 646.

[3] *Cambridge*, 39. [4] p. 17. [5] In England.

[6] In France. [7] i.e., Sumerian.

[8] Known as the *heliolithic* culture, from the Sun worship and large stone monuments which particularly distinguished it (see *Wells*, XIII. 4, XIV. 8; also Elliot Smith's *Migrations of Early Culture*; also *Holdich*, 53).

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culture have been traced in India. Amongst primitive Indian peoples the custom of the *couvade* by which the father is sent to bed when a child is born is still found ; tattooing is common ; and megalithic monuments are still made. The practice of massage has been universal in India from the earliest times,[1] and the swastika symbol[2] is everywhere used by Hindus as a sign of good luck. The religious side of this *heliolithic* culture was characterised by the association of the Sun and Serpent worship, which prevailed in early northern India at the time of the Aryan invasion, and which survived in the great city of Taxila when it was taken by Alexander the Great. This culture was accompanied by a relatively advanced civilisation, with cities, forts and armies and in some places a monarchical system of government. Tanks and other engineering works indicate a flourishing system of agriculture ; and the education of the young was not neglected. But the demoralising effect of this civilisation on the untutored nomad invader is graphically illustrated by the story of his fall from the Eden of primitive innocence on attaining the knowledge of good and evil, through the cult symbolised by the Serpent.[3] Under the Dravidians the earliest form of village community prevailed,[4] unmodified by patriarchal influences. The ruler was allotted the entire produce of certain lands, and the same method of remuneration was adopted for the influential hereditary headman, and the hereditary staff of artisans and servants.[5]

The original Aryans.

While the heliolithic culture was spreading through the more open parts of India, a race of nomads had settled down in the rich and fertile plain of Hungary. Their faces were oval, their foreheads high, and they had big limbs, and long aristocratic noses. Still mainly pastoral, having domesticated the ox, sheep, horse, dog, and pig, they had begun to grow wheat in the Hungarian plain, cultivating at first with a rough wooden hoe, and later with a bent tree bough drawn by oxen. Rapidly multiplying, eventually (about 2500 B.C.) pressure of population urged these

[1] *Smith*, 124.

[2] 卐

[3] Genesis, iii. ; *Baden-Powell*, 84, 94-6, 162 ; *L.S.B.I.*, vol. I, 118.

[4] p. 20.

[5] The way in which nomads gradually adopted agriculture is illustrated in the story of the early Hebrew patriarchs. (See Genesis, xxvi. 12, xxx. 14, xxxvii. 7.)

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Aryans, as they are called, to migrate. To the west they sallied forth to be the Keltic and Teutonic conquerors of France, Britain and Germany, and the Sabines and Latins of early Italy. To the south they burst into Greece and as the Achæans and Dorians broke up the old Ægean civilisation which they found there. To the east successive bands of them crossed the Bosphorus, and avoiding the old civilisation of Mesopotamia followed the well-worn track now marked by Teheran, Mashad and Herat. Thence they overflowed into Bactria, and thence about 1500 B.C. they began to filter through the Hindu Kush.[1]

The religion of these primitive tribes reflected the simplicity of their life. The great powers of nature were recognised in the worship of the Sun, the Sky, the Dawn, and the Storm, with perhaps a vague monotheistic idea that there was a Great God and Father over all. Nearer to the individual came the simple sacrifices and oblations, performed by the head of the family, the *pater familias*, who like Melchisedec, King of Salem,[2] was both king and priest of his family. He it was who knew the sacred formulas, tended the sacred fire, and had been initiated into the sacred rites, by which the dead, raised by superstition to the rank of *dii manes*, might be propitiated. This coarse deification of the successive representative members of the family blended the whole series into a single continuous existence. The head of the family could alone bring down blessings on his dependents, whose domestic god he would become after his death. Such deified ancestors partook of the character of those who conceived them. They were jealous of their rights, deeply attached to forms, and narrow and exclusive in their beneficence. To those beyond the pale of the family they were regarded in general as inexorably hostile. Such a system tended obviously to the segregation of each family group from its neighbours. The family altar had to be carefully secluded from all strange eyes. The house and its enclosure were sacred against intrusion. Each man lived in awe of his own family gods, and had firm reliance on their power, but looked with equal or almost equal dread towards those of his neighbours as potent for good or ill within their own sphere. He would not,

[1] *Cambridge*, 67-70; *Myres*, 195-9; *Baden-Powell*, 189.

[2] Genesis, xiv. 18; Hebrews, vii. 1-6. Cf. also Vergil, Æneid II, l. 80, *rex Anius, rex idem hominum Phœbique sacerdos.*

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therefore, lightly trespass within the precincts of his neighbour's abode or of his family tomb, where also an altar was commonly placed for worship.[1] Simple though it was, this religion touched every part of the early Aryan's life. The powers of nature, the rules of early agriculture, the most intimate family matters were to him all holy.[2]

The Aryans of the Punjab and Hindustan.

It took the Aryans some time to penetrate from Bactria through the Hindu Kush and to establish themselves on the Kabul-Kandahar line, separated from the Indus valley by the Sulaiman range. This range they penetrated by the Kabul and Kurram valleys and the Gomal pass.[3] These invasions were no mere incursions of armies but gradual progressive movements of whole tribes, such as would have been impossible at a later date, when deforestation and the climatic causes accompanying it had transformed the physical conditions of the country.[4] Some recollection of this invasion may have survived in Aryan folk memory in the Greek legends of the invasion of India by Dionysus, which so fired the imaginations of Alexander and his army.[5] The Spartan conquerors of Laconia only maintained their individuality by remaining an armed camp in the middle of a population of servile Helots. Similar causes produced similar results in the case of the Aryan conquerors of Hindustan. At first of necessity they intermarried with the Dravidians, but later the fear of complete absorption led them to hold aloof. A priestly class, that of the Brahmins, was evolved, which drew up rigid caste rules, strictly forbidding intermarriage with the aborigines, and insisting on the strict performance of an exaggerated version of the old nomad ceremonies, which they promulgated in their religious text-book, the Vedas. The easy-going Aryans of the Punjab were regarded with aversion. Their country was declared impure, and the interdict was pronounced " Let no Aryan dwell there even for two days ".[6] The Punjab Aryans settled down to agriculture in village communities administered on tribal lines.[7] But the small Aryan ruling castes of Hindustan

[1] Of the *manes sepulti*.

[2] *Ibbetson*, 210, 215 ; *West*, 11 ; *Robertson Smith*, 312 ; *Holderness*, 109 ; *Marsden*, 164.

[3] p. 7. [4] p. 22 ; *Cambridge*, 43. [5] *Holdich*, 128-9.

[6] *Baden-Powell*, 78-81, 84, 102, 184 ; *L.S.B.I.*, vol. I, 121-4 ; vol. II, 611-12 ; *Myres*, 202 ; *Cambridge*, 79, 377.

[7] pp. 22-5.

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scorned this manual labour and left it to the despised aborigines whose village institutions[1] were consequently less modified by patriarchal ideas. In that warmer climate their old diet of beef and fermented liquors was destructive, and the necessary hygienic rules which the Brahmins added to the old Vedic ceremonial grew into a system far stricter and more exacting than that of Leviticus.[2]

2. KINGSHIP

Till lo, thou art grown to a monarch; a people is thine:
And all gifts, which the world offers singly, on one head combine:
High ambition and deeds which surpass it, fame crowning them all
Brought to blaze on the head of one creature—King Saul.
BROWNING: *Saul.*

The patriarchal system of the Aryan tribes furnished an excellent military organisation under capable leaders. These leaders were at first naturally chosen from the clan elders. The clan with the best leader would generally be most victorious against the Dravidians, and would also begin to claim priority over other clans. Its leader would assume a more dominating position, he would become a "king".[3] The old priestly functions of the patriarch would devolve on a special class of priests, the Brahmins, who would in return for the king's support, exalt his office, and make out for him a divine pedigree from the Sun or Moon. In the stress of warfare a capable leader might even be chosen from outside the body of patriarchal elders, his position being regularised by a fictitious divine parentage concocted by the priests. The status gained by the king in warfare would be retained in peace; he would act as an impartial arbiter in disputes between families or clans, taking care at first to do no more than enforce the generally recognised custom.[4] Such a kingdom would be more efficient in war and better governed in peace than the surrounding loosely knit confederacies of patriarchal clans, who would also begin to

Growth of kingship.

[1] pp. 20, 31.

[2] *Baden-Powell*, 89, 184, 189-90, 192-5; *L.S.B.I.*, vol. I, 120, 138-9; *Wells*, 257.

[3] *Raja.*

[4] pp. 25-8.

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demand a king " that he may judge us, and go out before us, and fight our battles ".[1]

The King's administration.

The rise of these Aryan kingdoms coincided roughly in time with that of the Israelite monarchy.[2] At first the king was weak. He wanted support and advice. Just as the Homeric kings had their γερουσία and the Roman kings their Senate, so the new Aryan monarchs depended at first on the old council of tribal elders ; and the cry of nomad conservatism " To your tents, O Israel ", must have had its equivalent in the Indo-Gangetic plain. But in the clash of inter-tribal warfare these councils gradually broke up ; the king would rule over several tribes ; and his most useful advisers and most powerful supporters grew to be the Brahmin priests who in their turn exalted his position. With the advice of his Brahmin ministers he was able to avoid giving offence to old established customs ; they could shoulder responsibility for unpopular acts ; and their wisdom and experience could alone enable him to discharge the increasing responsibilities of his office ; and after his death they could secure the succession to his son. But the king was a costly luxury. The cost of administration rose with its increasing complexity. Warfare waged in the new style required an expensive body of mercenaries in addition to, and gradually superseding, the old tribal levy. Transit duties were levied on trade, an excise tax was levied on liquors, the forests and waste were no longer free to the first clearer.[3] All abandoned or forest land the king might dispose of, and under this right was included the reversion of all property left without heirs.[4] The trading and artisan classes were organised into recognised guilds each with its own head, responsible for paying the levy imposed by the king. But the main source of revenue was from the land, and for this purpose the kingdom was divided into distinct territories. The king himself took charge of the central territory which was usually the richest, and deputed chiefs to take charge of districts all round, the frontier most exposed to danger of any kind being entrusted to the one who, as Captain of the Host,[5] had the greatest military skill. The size

[1] 1 Samuel, viii. 20 ; *Baden-Powell*, 195-6 ; *Jenks*, 72-7, 81-3 ; *Holderness*, 41 ; *Agr. Practice*, 23-4 ; *Woodrow Wilson*, 40, 46-7 ; *Marshall*, 42.

[2] i.e. about 1000 B.C.

[3] p. 19.

[4] *Cambridge*, 198.

[5] *Senapati*.

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of these divisions depended on that of the kingdom. Sometimes they coincided with old tribal areas, sometimes their boundaries were determined by hill or river. Such natural features were absent in the great plain, and there the divisions were made by counting up groups of villages. In large kingdoms a district of one thousand villages might be formed, but the usual unit was one of eighty-four villages[1] corresponding roughly to the old English hundred.[2]

System of land administration.

Under the Dravidians the ruler had been allotted the entire produce of certain lands.[3] But this did not suffice for the needs of the more highly organised Aryan monarchy. Each cultivator was now required to contribute a share of the produce of his land to the king,[4] which was levied in kind, and measured out by the village accountant or headman, or by an official at the barn-doors or by a survey of the crops.[5] The amount varied. At first perhaps no more than a tenth, it was gradually increased to a sixth, which was generally regarded as the maximum which a ruler might justifiably take, except in time of war when the share might be raised to a fourth. Where irrigation facilities were provided a water-rate of from one-fifth to a third was also taken. The present British Government takes as land revenue from a twelfth to a sixth[6] of the produce, not very much less than these early kings; but in return for this it gives economic, administrative and educational facilities which they would not even have thought of.[7]

The king only received this share of the produce from his demesne lands, the central territory under his immediate rule.

[1] H. *pargana* or *taluqa*.

[2] *Baden-Powell*, 197-9; *L.S.B.I.*, vol. I, 179-80, 251, 254-5; *Cambridge*, 289.

[3] p. 31.

[4] *Baden-Powell*, 205; *L.S.B.I.*, vol. I, 241, 264; *Smith*, 131.

[5] *Cambridge*, 199.

[6] The maximum land revenue that can be taken is one-half the net assets (i.e. the landlord's share of the produce). In practice, however, not more than from a quarter to a third of the net assets is actually taken. As the landlord's share of the produce is from a third to a half, the State's share is from a twelfth to a sixth.

[7] *L.S.B.I.*, vol. I, 242, 265-7; *Keatinge*, 2; *Smith*, 141, 341. In Egypt Pharaoh took a *fifth* share of the produce as land revenue, i.e., about the same as the Hindu kings. (See Genesis, li. 34, xlvii. 24). Ryle (*Genesis*, p. 418) says: "This seems an immense impost. But it is said to compare favourably with the ruthless standard of Oriental governments, in which corruption was rife and liberty did not exist."

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His subordinate chiefs were originally paid by the grant of the revenue of definite areas of land ; but later they took the royal share of the produce in their own territories,[1] in return for which they had to pay homage to the king, and to give him military and financial assistance when required and to pay a fine on succession. But even in his own demesne, the king often made grants of the royal rights to favourite courtiers or cadets of his own family.[2] Moreover, the village headman's dignity was enhanced by the remission of the king's share of the produce on some of his lands. Above all the Brahmin must be rewarded, and every Hindu king distinguished himself by his liberality to the priestly class, and his frequent grants of the royal share of the produce of certain lands for the support of temples and shrines. Such grants might be in virgin waste. More often they alienated the king's rights in an existing village ; and this would include the right to bring part of the ample waste into cultivation for the grantee's benefit.[3]

The old Dravidian village was ruled by a hereditary headman[4], and his traditional influence made him a useful official in the Aryan king's service. His importance was enhanced by the recognition and the extra emoluments which he now received from the king and by his supervision of the collection of the king's share from the threshing floor of each cultivator. But such an influential official required watching. He was also probably illiterate. A village accountant[5] was accordingly appointed to watch the headman in the interests of the king and to keep the state accounts. His office also eventually became hereditary. But provided the revenue was punctually paid the village community was left to itself, and no attempt was made to interfere with its internal administration or its local customs.[6] This village administration furnished the pattern for that of larger areas ; and over the *pargana*,[7] or hundred, of eighty-four villages a similar pair of officials was

[1] *Cambridge*, 289, 475.

[2] *Babus*. This term, which used to denote a king's near relative, is now degraded to designate an office clerk—*magni nominis umbra*. *Cambridge*, 199.

[3] *Baden-Powell*, 197-9 ; *L.S.B.I.*, vol. I, 251.

[4] pp. 20, 31. The headman is variously denoted *gramadhikar*, *patel*, *muqaddam*, and now *lambardar*.

[5] The *gramalekhak* of ancient days : the *patwari* of to-day.

[6] *Cambridge*, 268.

[7] p. 36.

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appointed,[1] one to discharge executive functions, the other to keep accounts.[2]

Criminal administration.

These officials enabled a strong king to maintain the public peace. Crime when it occurred was punished with terrible severity. Those believed guilty were subjected to torture to extort a confession, the torture of women being limited to half the prescribed standard. False witnesses were punished by the mutilation of the extremities, a severe punishment, but one which facilitated the conviction of the real criminal. Punishments were deterrent. Ordinary wounding by mutilation was punished by a corresponding mutilation of the offender, in addition to the amputation of his hand. A similar injury to an official was punished with death, which was also the punishment for injury to a sacred tree, or an evasion of taxes. The severity of these punishments rendered crime rare, and enabled the law-abiding man to go about his business in peace. Large executive and police powers were given to the subordinate chiefs in their territories, especially when they were in hilly country, infested by robbers or aboriginal tribes.[3]

Dismemberment of the kingdom.

"Two things seem necessary to a young state which is to have a great future,—the full realisation of authority and of the obedience due to it, and a sense of the moral limits which reason sets both in obedience and authority. Both these were present in early Rome, as in early England."[4] But there were no moral limits to the realisation of authority by the Hindu kings. His Brahmin ministers, intent only on consolidating their own power, dared not face the king in the interests of righteousness like the Hebrew prophets, or of political expediency like the Roman patricians. Consequently the very efficiency of the royal organisation proved its ruin. The reasonable system under which, when agricultural work was slack, lazy villagers could be compelled to assist in the making of an embankment or watercourse or other work of utility to the village as a whole, gradually developed into a conscriptive *corvée* whose oppressive nature resembled that which caused the Exodus of the Israelites from Egypt. The taxing machine ground more and

[1] The *chaudhri* and *qanungo* of later times.
[2] *Baden-Powell*, 14, 205; *L.S.B.I.*, vol. I, 250, 253-5.
[3] *Jenks*, 87-8, 91; *Baden-Powell*, 195; *L.S.B.I.*, vol. I, 250; *Smith*, 130, 143-4.
[4] *Warde Fowler*, 78.

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more from the life-blood of the poor to maintain the luxury and dissipation of the royal court. Impoverished at home, the peasants were led to the slaughter in the perpetual wars, which an ambitious king felt it necessary to wage with all his neighbours. Such a king trusted nobody, not even his own sons. As he grew more and more isolated from his subjects by a mass of male and female guards, his administration fell into the hands of unscrupulous officials, who encouraged the king in those habits of luxury and vice which left them free to plunder the people. His death would be followed by an internecine war between his sons, unless one of them had forestalled this eventuality by murdering his father and brothers. The last degenerate scion of such a line, with his luxurious court and impoverished people, would fall before the sword of a foreign conqueror or a mutinous subject, and so incur the final nemesis of an oriental dynasty.[1] The break up of such a kingdom would be followed by a general scramble. Individual members of the royal family would endeavour to retain the territory of which they were in possession and to seize more. Of such land they would become in course of time practically owners—landlords in something of the modern sense. Still more easily would this follow with the estates of subordinate chiefs,[2] where primogeniture was the exception, and not the rule. On the division of such an estate, each member of the family would get a few villages, where he would claim the old royal rights to a share of the produce and other dues, and would seize on the waste as an important means of increasing his wealth. Similar claims would be made by the old royal grantees ;[3] who would take the opportunity afforded by the break up of the royal power to render their grants hereditary. Such estates would be large at first, but with the rapid multiplication of the family of the original owners, they would diminish till they were reduced to the size of a village or even less. Normally the original cultivators would go on just as before, and their hereditary rights would be respected by the chiefs or grantees, subject to the payment of the royal dues. Only a tyrant would wish to eject them, and he would not always have the power.[4]

[1] *Robertson Smith*, 68, 88, 94-5, 139, 197-8, 204, 239-40 ; *Warde Fowler*, 74-8 ; *Jenks*, 92 ; *Baden-Powell*, 201 ; *Smith*, 139-40.

[2] p. 35. [3] p. 37.

[4] *L.S.B.I.*, vol. I, 131-4, 251-2.

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3. The West in the East. Act I

The East bowed low before the blast,
In patient, deep disdain;
She let the legions thunder past,
And plunged in thought again.
MATTHEW ARNOLD: *Obermann.*

The Scythians.

While the Aryan invaders were settling down throughout the great plain of northern India, and forming evanescent kingdoms and a more permanent culture, a larger political aggregation—the Assyrian Empire—had been built up to west of them by the nomad Semitic invaders of the ancient heliolithic culture of Mesopotamia.[1] The Assyrian power was first spread by means of gigantic raids, which spread terror and dismay throughout western Asia. At a later period the raids were succeeded by a permanent occupation. The Assyrian method of dealing with small nations was crude, but (for the time being) effective. Transported to Nineveh or Asshur they were engaged on the construction of the great public works which the Assyrian kings loved to build. Finally when they began to give trouble and their services were no longer required, they were dumped amongst unknown gods and nations to the east, where it would take them at least a generation to find their bearings. Such was the fate of the ten northern tribes of Israel, who eventually after many wanderings found themselves in Afghanistan.[2] But all-conquering Asshur was now himself to suffer conquest. Fresh Aryan swarms advanced through Asia Minor and Armenia to Bactria. Central Asia had been gradually drying up, and the Bactrian plains were now no longer cut off by swampy rivers from the great plateau to the north of China, inhabited by Mongolian tribes, different indeed in race, but possessing similar nomad characteristics to the Aryans. To these hordes, mainly Aryan in race, who now began accumulating for fresh invasions, the name Scythian[3] is conveniently given. Their successive onslaughts proved the ruin of Assyria, and soon after the fall of Nineveh

[1] i.e., the Sumerian civilisation (p. 30, note 7).

[2] See references to *Holdich* and *Ibbetson*, below.

[3] As the term Aryan is commonly used in India for those Aryan invaders who introduced the Brahminical religion, it is convenient to reserve a different name, Scythian, for subsequent nomad invaders, even though they were probably also Aryans.

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(B.C. 606) a vast horde of them burst into the Punjab.[1] The Aryan kingdoms of the Punjab were overwhelmed by the invaders, and the country reverted to the old tribal system[2] described by the Greeks as consisting of "clans of brave agriculturists, enjoying an admirable system of aristocratic Government." The Gakkhar tribe of Scythians, who occupied the hill plateau of the north-west Punjab[3] have retained their individuality till to-day. A brave and savage race, much given to polyandry and infanticide, and despising agriculture, they distributed land according to military qualifications, giving ten acres to a footman and fifteen to a horseman. Straddling across the gateway of India,[4] these splendid traitors directed the steps of, and furnished recruits for, the armies of each subsequent invader in turn. Retaining to the last their martial tribal traditions, their sympathies were ever with the incoming plunderer rather than with his prey.[5]

The Persian Empire: The model of all oriental empires.

The provinces of Assyria fell to the Aryan Persians,[6] who still practised the old nomad virtues, to ride, to shoot with the bow, and to speak the truth. Under Cyrus their empire was extended till it reached from the Indus to the Ægean Sea and the Oxus river, incidentally thus blocking the route of the Scythian invasions of India. The empire thus founded by Cyrus (B.C. 529) was consolidated by Darius (B.C. 485) whose administrative system was to prove the first and last word in oriental political science, offering as it did a happy compromise between centralisation and local self-government. The empire was divided into satrapies (or provinces) each of which was governed by a satrap, or civil governor. But the military and police force of each province was under a separate military governor who was responsible not to the satrap, but to the King. Both of these were watched by a secretary also responsible directly to the King, and through whose hands all the orders of the satrap had to pass. These three rival

[1] *Oman*, 126; *Wells*, 192, 240-1; *Holdich*, 6, 16, 21, 43-5, 49-50; *Ibbetson*, 392, 394-6, 52, 76.

[2] pp. 21 foll.

[3] pp. 7-8.

[4] pp. 6-7.

[5] *Baden-Powell*, 97-8, 270; *L.S.B.I.*, vol. II, 639, 650; *P.A.R.*, 618; *Ibbetson*, 463; *Smith*, 75; *Thorburn, M.M.*, 31.

[6] pp. 31-2.

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powers created a balance which left all things ultimately depending on the King, if only he had the industry and mental grasp required to keep the system in order. Under a capable administrator like Darius such an empire flourished exceedingly and the efficiency of the Persian organisation for the collection of geographical and scientific information is demonstrated by the material put at the disposal of Herodotus.[1] Subject populations were left alone as long as they gave no trouble; and Assyrian methods of transportation were only applied to the most refractory, such as the Greeks, some of whom were transported from Ionia and Lydia to Bactria at the other end of the empire, which province they Hellenised for nearly five centuries.[2] But it was at the centre of the empire, in the reigning family itself, that the decay eventually set in which corrupted the whole. And the very efficiency of the system proved its ultimate ruin. Unemployed armies degenerate like the Janissaries or Prætorian Guards, and become useless against the enemy and dangerous to their master. War and conquest was therefore necessary to the vitality of such an empire. Driven on therefore by the law of its being to wider and ever wider dominion, its bounds eventually exceeded those consistent with efficient administration under the primitive system of communications which then obtained; the Roman roads had no oriental counterpart. There was no practical limit to the taxes which such an empire could extort from its subjects; and a moral limit was hardly conceived of. It therefore followed the cycle of the oriental kingdom on a greater and consequently more disastrous scale.[3] It is this which explains the collapse of apparently great and flourishing empires like the Persian and its Indian models, the Maurya, the Gupta and the Mogul Empires.[4]

The Persians in the Punjab.

The greater economic importance in ancient times of the area which constitutes modern Afghanistan is evidenced by the number of Persian satrapies which it included. The satrapy of Bactria contained the Oxus valley to the north of the Hindu Kush, those of Aria and Arachosia modern Herat and Kandahar respectively;[5] while the Indian conquests were divided into two satrapies,

[1] *Holdich*, 16, 17, 31. [2] *Holdich*, 25-6. [3] pp. 38-9.
[4] *Oman*, XIV; *Holderness*, 43. [5] *Cambridge*, 337.

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Gandharia,[1] including Kabul and the northern plateau[2] of the Punjab, and *India*, including the rest of the Indus valley, and an undefined portion of the Punjab proper.[3] The early prosperity of the latter province[4] is indicated by the fact that it was the richest and most populous of all the satrapies yielding a revenue equal to a third of the revenue of the Asiatic provinces of the empire.[5] The Persians used the old well-beaten track to India via Herat and Kabul, but another line of communication with the rest of the empire was discovered by Darius in the waterway of the Indus, and the sea passage from the mouth of the Indus to the Persian Gulf. Under his vigorous administration Taxila,[6] the Indus bridgehead on the route to the Ganges plain, became a great clearing house of ideas and economic products between the civilisation represented by the Persian Empire and that of Hindustan. Situated in the fertile well watered plain between the Salt range and the Indus, its fortifications commanding the narrow pass over the Salt Range followed by the great trade route, strategic and economic considerations combined to enhance the importance of Taxila.[7] Like Augustus, Constantine, Asoka and Akbar, Darius was of opinion that religious unity was a necessary condition of stability in a large empire, and he effectively stamped out an attempt by the Magian priests to Brahminise[8] the old Aryan customs of Persia. These liars, as he called them, were ruthlessly exterminated, and a pure form of monotheism[9] instituted as the state religion of the empire. An imposing temple for this worship was built at Taxila, which also observed the Persian custom of exposing the dead to be devoured by vultures. The procedure of the Babylonian marriage market was also introduced, under which the money obtained by the auction of fair maidens was given as a dowry with the ill-favoured, so that all might obtain husbands. Under these favourable auspices Taxila became

[1] From which the name Kandahar is derived, although this province did not include the site of the present town of Kandahar.

[2] pp. 7-8.

[3] pp. 8-10.

[4] Cf. p. 11.

[5] *Cambridge*, 335.

[6] About thirty miles from the modern Rawalpindi.

[7] *Taxila*, 2.

[8] p. 33.

[9] Zoroastrianism.

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one of the greatest cities of the east, and was renowned as the principal seat of learning in northern India, to which scholars of all classes flocked for instruction. Its medical school was specially famous, owing to the fusion of Greek and Oriental learning which the peculiar position of Taxila rendered possible.[1]

The invasion of Alexander.

Decay was already far advanced in the Persian Empire when it succumbed to the attack of Alexander the Great. The application of Greek military science to the hardy Macedonian peasants, who had still preserved uncontaminated their old tribal martial virtues,[2] resulted in the creation of the finest military machine then known to history. Under a leader like Alexander it was irresistible. His incursion into India (B.C. 327) was undertaken more in the guise of a tour round his dominions by the successor of Darius, than in that of a hostile invader. He followed the old Persian route via Herat and Kandahar (which he founded) to Kabul, and after an incursion over the Hindu Kush into Bactria, where he reinforced the old Greek colony, he descended into the Punjab,[3] whose ethnographical frontier then reached beyond the Khaibar pass.[4] There he found the old tribal system still vigorous, though holding its own with difficulty against the monarchical governments of ambitious kinglets. These latter were also fighting amongst themselves,[5] and it was with the object of obtaining assistance against his enemy Porus, who ruled over a restored Aryan kingdom, that the kinglet of Taxila joined Alexander. His passage over the Jhelum was disputed by Porus. The resulting engagement demonstrated once and for all the military ineffectiveness of a conglomerate caste-ridden Hindu army, relying on elephants, as against any small force which had grasped the elementary tactical principles of submission to a single will, and the application by that will of a mass of manœuvre to bear on a critical point at a critical time. The charge of Alexander's Companions, the Macedonian massed cavalry, effected at the right time and in the right place, finally scattered the disorderly hosts of Porus.[6] There was

[1] *Smith*, 37, 61, 154; *P.A.R.*, 486; *Taxila*, 8-9; *Cambridge*, 345-6.
[2] p. 14.
[3] *Cambridge*, 347-8; *Holdich*, 47.
[4] *Cambridge*, 352, and references at end of section.
[5] *Cambridge*, 345.
[6] *Cambridge*, 351.

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now no effective military obstacle between the Ganges valley and the victorious Macedonians. But the Punjab climate had already begun to tell on the European army. From March to July B.C. 326 had these heavily armed forces tramped through the worst part of a Punjab hot weather, harassed on their way by the Scythian tribes who lay beyond the Ravi and whose government by tribal elders was described by the Greeks as an aristocratic constitution. It was just before the monsoon, when the humidity of the air renders the heat even now almost intolerable to officials clad in pyjamas and seated under electric fans, that the Greek hoplites and phalangists arrived at the river Beas. Here the Rajputana desert, running up towards the mountains, left only a narrow neck joining the Punjab to the rest of Hindustan. The Macedonian army had now passed the well-known confines of the Persian Empire, and to cross this desert would be to cut off all communication with their base. To go further forward would have been madness, and his soldiers' mutiny probably saved Alexander from disaster.[1] But Alexander was far more than a victorious general. From his tutor Aristotle he had imbibed much of the Greek scientific spirit, the spirit which bases theories on the observations of facts, and does not distort its view of facts to suit preconceived theories. It was in this spirit that the Greek followers of Alexander and their successors commented on the objects which came to their notice in India, and thus afforded the modern historian material for checking the indigenous records.[2] But to scientific theory Alexander added administrative practice. The opening up of the line of the Indus to commerce, and the construction of a port at its mouth near the modern Karachi would have permanently connected India with western civilisation, had Alexander lived to complete his task. But with his premature death all his schemes came to an end.[3] The Seleucids, who succeeded to the inheritance of the central and eastern portions of his empire, rapidly degenerated into oriental monarchs of the normal type; while northern India fell a prey to another despotism which adapted the Persian system of administration to Indian conditions.[4]

[1] *Holdich*, 46; *Cambridge*, 468.
[2] *Holdich*, 65-6; *Cambridge*, 392-3.
[3] *Cambridge*, 384.
[4] *Wells*, 239-40; *Smith*, III, IV; *Gazetteer*, 17, 18; *L.S.B.I.*, vol. I, 140.

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4.—The Failure of Buddhism

The common law of the Asiatic dynasties, the unceasing round of valour, greatness, discord, degeneracy and decay.
Gibbon, LIX.

The typical Aryan kingdom at the time of Alexander was ruled over by a monarch enjoying great power, but circumscribed by the privileges of a caste of Brahmin priests, from among whom he was obliged to select his ministers.[1] The Brahmin aristocracy now claimed to monopolise the knowledge of the customary and religious law, and to have exclusive possession of the principles by which quarrels were decided. There was nothing exceptional in this. Before the invention of writing, and during the infancy of the art, an aristocracy invested with judicial privileges formed the only expedient by which the accurate preservation of the customs of a race or tribe could be anywhere attained. The patricians claimed a similar monopoly of knowledge in early Rome. It is not their original claim, but their continued maintenance of this monopoly long after the circumstances which originally justified it had passed away, that distinguishes the Brahmins from the exclusive priesthoods and oligarchies of other countries. Like the latter they had usurped the old priestly functions of the king,[2] but unlike them their ambition did not extend to the absorption of his active political functions. He formed too useful a tool and a screen for their machinations; and if he were unsympathetic a successful rebellion could be easily engineered. Few kings, however, ventured to disagree with the Brahmins, exempt as the latter were from capital punishment, and from liability to torture for the purpose of obtaining a confession.[3] The Brahmins alone could perform sacrifices properly, and accordingly Brahminism first laid emphasis on the ceremonial of sacrifice and on the blessings which a sacrifice correctly offered by a Brahmin would bring to the offender in this world and the next.[4] But against this view there came a reaction which recalls a similar mental evolution in the Old Testament. "The sacrifice of God is a broken spirit"; so sang the Psalmist.

The power of the Brahmins.

[1] pp. 34-5.
[2] pp. 32, 34.
[3] *Smith*, 101, 138; *Jenks*, 84; *West*, 19; *Ancient Law*, 10-14.
[4] The theory of the ritual books known as the Brahmanas.

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But the parallel movement in India taught indeed the futility of sacrifice, but not its spiritualisation in a purification of the soul. It taught instead the necessity for knowledge as to how the individual soul could escape from earthly existence by absorption into the world soul;[1] and the quest for this knowledge, if not absolutely futile, was calculated to accentuate the egoism, which was tending to become the chief high-caste Hindu characteristic. But these intellectual refinements were only for the few. In practice Brahminism, including as it did every kind of worship and esoteric doctrine, was more a social system made a matter of religious import by means of its ceremonial connection than anything else.[2] From the first, however, the Punjab remained outside this system,[3] and this differentiation was accentuated by the Scythian invasions. The more striking institutions associated with the name "Hindu",—the old ideals of monarchy and the quasi-feudal system of subordinate chiefs,[4] the Brahminic religion, and the complete establishment of caste, were all due to the Aryans settled in the Ganges plain. And though Brahminism tended to influence Punjab customs, especially in the towns, it never dominated them to the extent that obtained in the rest of India.[5]

Buddhism.

But this egoistical system of sacrifice and world-soul-absorption did not satisfy everybody. In particular it had not satisfied a certain Prince Gautama, who lived at a time of general religious revival, when the latter Hebrew prophets were prophesying, when Darius was purifying Zoroastrianism in the Persian Empire,[6] and Æschylus was publishing tragedies which rose to something like prophetic strain.[7] The Prince was blessed with a father, who was, in the modern phrase, out to give his son a good time. And 2400 years ago a good time meant very much the same as now, plenty of self-indulgence and very little work. But self-indulgence suffers from what economists call the Law of Diminishing Returns. Each additional unit brings a continually diminishing satisfaction to the seeker after pleasure. At any rate so found Prince Gautama. Moreover, he realised that even this unsatisfying paradise was beset by

[1] The theory of the Upanishads.
[2] *Baden-Powell*, 88; *Wells*, 257; *Holderness*, 111; *West*, 18.
[3] p. 33. [4] pp. 34 foll. [5] *Baden-Powell*, 184.
[6] p. 43. [7] i.e., about B.C. 525.

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the grim spectres of age, disease, and death. He endeavoured to escape from this mental torture by the methods of the Brahminism. He scrupulously followed their hardest precepts and endured long-continued mortification and penance; but without finding peace of mind. In the end his soul revolted against the sore burdens with which the Brahmins would oppress him, and the artificial paths by which they would lead him. He proclaimed that their gods were false; that all evil sprang from the lusts and longings of the flesh and of the fleshly mind; that each man must endure the consequences of his own acts, of which prayer and sacrifice were unavailing to relieve him; that peace consisted in final release from the bonds of incarnation, and in the absorption into the absolute, and that it was to be obtained only by the extinction of desire. Buddhism, the doctrine of Gautama, was hardly a religion at all, and certainly no theology, but rather a system of duty, morality and benevolence, without real deity, prayer, or priest. But unlike Hinduism, it gave its followers a man to revere, whose personal character was holy and beautiful; and for the first time in the religious experience of India, it called upon its hearers to change their lives with their faith, and introduced them to the new ideas of proselytism and conversion.[1]

The Maurya Empire.

The seed of Buddhism was sown by a saint; it was brought to fruition by kings and princes. When Alexander was encamped on the Indus, an able adventurer, who afterwards assumed the Indian name of Chandragupta Maurya, joined his army[2] and fired the great conqueror with the plan of subduing the unwarlike valley of the Ganges. The Macedonian soldiery were not to be tempted, but after Alexander had departed, Chandragupta himself collected a formidable force of the warlike and predatory clans on the north-western frontier and overran the Punjab, ousting the Macedonian representatives. His conquest of the Ganges valley enabled him to consolidate a great empire

[1] *Ibbetson*, 249; *Wells*, 258-64, 267.

[2] The late Dr. Spooner, the Indian archæological expert, was of opinion that Chandragupta was probably not an Indian. In support of this theory are the facts: (1) that he is first heard of on the Indus, (2) that he conquered his empire with the help of frontier tribes, (3) that he conquered all Afghanistan as far as the Hindu Kush, a feat which was never performed by any native Indian ruler. See *Cambridge*, 471.

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stretching from sea to sea. The weakening of the Seleucids[1] enabled him to secure the frontier of the Hindu Kush,[2] that scientific frontier sighed for in vain by his English successors, and never held in its entirety even by the Mogul monarchs of the sixteenth and seventeenth centuries. The system of administration was a Brahmin version of that of the Persian Empire.[3] Where they were amenable, local rulers were left in charge of their dominions as feudatories, under a ruler who in maintaining order and protecting weakness did not shrink from severity. But though Chandragupta's chief adviser was a subtle Brahmin[4] who devised for him a royal pedigree, and whose unprincipled maxims of statecraft outdo Machiavelli at his worst; he nevertheless eventually found the Brahmin yoke too galling. He saw in the spreading doctrine of Buddhism an ally against the growth of Brahmin power, and he therefore supported and endowed the Buddhistic Order and encouraged its teachings.[5] This policy was enlarged and extended by Chandragupta's grandson Asoka, the Constantine of Buddhism, who reigned about the time when Rome was waging her first Punic War.[6] An ambitious monarch, he wished to bring all India under his sway; and for this purpose he counted as his subjects all those kings, who were willing to suspend the normal state of chronic warfare existing between neighbouring monarchs and receive an ambassador from himself. The bloody battles which were necessary to reduce one recalcitrant kingdom[7] so sickened Asoka that he gave up fighting in disgust, and turned Buddhist priest as well as monarch. Under him Buddhism was seen at its best. He sought the public welfare as well as the salvation of his own soul. Under his inspiration wells were dug, hospitals built, and public gardens laid out. Through the heart of his empire, from Bengal to Taxila, ran a road shaded with trees, the predecessor of the Grand Trunk Road of the Moguls and the British. He had a special ministry for the care of the wild tribes of the forest and jungle. Under his fostering care the Buddhist religion spread rapidly and widely. It was particularly strong in the Punjab, which had

[1] p. 45. [2] p. 6. [3] pp. 41-2.
[4] *Chanakya*, or *Vishnugupta*; see *Cambridge*, 470.
[5] *Wells*, 267-8; *Smith*, 116-8, 120, 123.
[6] 264 to 227 B.C.
[7] That of Kalinga, corresponding to the northern part of the modern Madras Presidency.

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never taken kindly to the Brahmin system.[1] There the tribal system was still generally prevalent, and there it was still considered an honour to be a cultivator. Taxila, the capital of the great Mauryan province of the Punjab and the Frontier, became a centre of Buddhist influence, and a huge mound nearby still marks the site of the gigantic memorial built to the Buddhist saint who gave himself up to feed a starving tigress.[2]

The Græco-Bactrians.

The Mauryan emperors had learnt nothing from the Greeks. In the art of war Alexander had no successor; and as Pyrrhus, king of Epirus, and even the great Hannibal himself tried to fight Rome with elephants, reliance on such an ineffective aid can hardly be considered discreditable in the Seleucids and Mauryas. But the latter went the way of all oriental empires; and a succession of Greek adventurers from Bactria, in whose temperate climate Alexander's Greek colonies had taken root and flourished,[3] established an ephemeral empire over the Frontier and northern India. Outside the limits of the old Taxila, on a more defensible site, they built a new city whose fortifications and Acropolis showed the superiority of Greek military skill, while its Assyrian palace demonstrated the domination of Mesopotamia in the arts of luxury.[4] But these "viciously valiant Yavanas" (as the Indians named them) were still regarded as impure barbarians, to be feared but not imitated. It was in the realm of art that Greek influence was most strongly felt. "Ever since the time of the Seleucids it was Western Asia that had been the real centre of artistic effort in the ancient world. Western Asia was the crucible in which the arts of Greece and of Ionia, of Persia and of Mesopotamia, were fused together; and it was from Western Asia that the streams of art flowed westward over the Roman Empire and eastward over Parthia, Turkestan and India." And though skilfully disguised in native trappings, the Buddhist sculpture of Taxila and its neighbourhood discloses the influence of the Isis and Serapis cult of Alexandria.[5]

[1] pp. 33, 47.

[2] *Wells*, 268-9; *P.A.R.*, 464; *Baden-Powell*, 200; *Taxila*, 11.

[3] *Taxila*, 12; *Holdich*, 31.

[4] *Taxila*, 5, 72.

[5] *Smith*, 145-6, 239; *Holderness*, 42; *Gazetteer*, 19; *Taxila*, 24-5, 33-5.

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But the ephemeral Greek rulerships in the Punjab were soon overwhelmed by fresh invasions. A group of Turkish nomads, big men with pink complexions and large noses, had been displaced from their original grazing grounds to the north of China (165 B.C.) Their displacement acted as a disturbing force amongst the Scythian nomads of Central Asia. The first wave of these Scythians broke in between the Bactrian Greeks and the rest of the Seleucid kingdom, and the semi-barbaric Parthian kingdom so formed lay like a great wedge between the Bactrian Greeks and their kinsmen beyond the Euphrates. Thus isolated the Greeks were slowly pushed southward into India, and with the loss of their main base in Bactria their resisting power vanished.[1] Meantime after many wanderings the Turkish nomads who had originated all these disturbances, partially lost their nomad habits and settled down in the plain of Turkestan or Bactria to the north of the Hindu Kush (10 B.C.). Thus once more Bactria became the nursery of a great power which was destined to dominate north-west India, and the subjugation of the Greek adventurers in the Punjab was only a question of time. But the new conquerors of northern India were no mere barbarians. The Turkish race has always shown a readiness to accept the culture and religions of more civilised nations, and this trait was very marked in these new invaders, the Kushans. Kanishka, the most famous of the Kushan kings, who ruled from Central Asia to the borders of Bengal,[2] at the time when the Roman emperor Trajan had advanced the bounds of his empire to the Tigris,[3] had his capital at Peshawar, which then as now guarded the main road from the Afghan hills to the Punjab plains. He was a fervent Buddhist, but his Buddhism differed greatly from that of Gautama or even Asoka. Largely of foreign origin, its development was the result of the complex interaction of Indian, Zoroastrian, Christian, Gnostic, and Hellenic elements, which had been made possible by the conquests of Alexander, the formation of the Maurya empire in India, and above all by the unification of the Roman world

Buddhism under the Kushans.

[1] *Cambridge*, 459; *Taxila*, 13-16.

[2] *Taxila*, 17.

[3] 78 A.D. to 123 A.D. See *Cambridge*, 585. The date is, however, hardly certain.

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under the sway of the earlier emperors. The celebrated sculptures,[1] found abundantly in the regions round Peshawar give vivid expression in Hellenistic forms of considerable artistic merit to this modified Buddhism, a religion with a complicated mythology and a well filled pantheon.[2] "Nevertheless, in spite of its wide diffusion, Hellenistic art never took the real hold upon India that it took, for example, upon Italy or Western Asia, for the reason that the temperaments of the two peoples were radically dissimilar. To the Greek, man, man's beauty, man's intellect were everything and it was the apotheosis of this beauty and this intellect which still remained the key-note of Hellenistic art even in the Orient. But these ideals awakened no response in the Indian mind. The vision of the Indian was bounded by the immortal rather than the mortal, by the infinite rather than the finite. Where Greek thought was ethical, his was spiritual; where Greek was rational, his was emotional."[3]

The Huns. The inevitable decadence of any oriental empire was accelerated in the case of the Kushans by the terrible plague of A.D. 167, which started in Babylonia, and desolated the whole civilised world from the Atlantic to the Bay of Bengal. The ancient world never really recovered from the blow; and both Rome and Hindustan were left paralysed and depopulated, open to attack from any invader. After a hundred years of chaos the reforms of Diocletian gave the Roman Empire a fresh lease of life. A similar and nearly contemporary[4] revival again brought the Aryan kingdoms under a strong and vigorous monarchy. But the sway of this Gupta[5] dynasty did not extend to the Punjab, whose tribes had regained independence under so-called republican institutions.[6] But both the Roman and Gupta empires were

[1] Many of them in the Lahore Museum.

[2] *P.A.R.*, 465; *Wells*, 395-6; *Smith*, 248-52, 261, 266-7; *Holdich*, 129.

[3] *Taxila*, 34.

[4] i.e., from A.D. 320 to 455.

[5] The origin of the Guptas was obscure. Dr. Spooner thought that they, like the Mauryas, were foreigners, who consolidated their position by claiming Aryan pedigrees (see p. 48, note 2).

[6] i.e., tribal committees of elders (see p. 23). *Smith*, 272-4, 286, 309-10; *Holderness*, 45.

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doomed to destruction before a fresh nomad invasion by invaders more savage and ferocious than any of their predecessors. "The numbers, the strength, the rapid motions, and the implacable cruelty of the Huns were felt and dreaded, and magnified by the astonished inhabitants, who beheld their fields and villages consumed with flames and deluged with indiscriminate slaughter. To these real terrors they added the surprise and abhorrence which were excited by the shrill voice, the uncouth gestures, and the strange deformity of the Huns. They were distinguished from the rest of the human species by their broad shoulders, flat noses, and small black eyes, deeply buried in the head; and as they were almost destitute of beards, they never enjoyed the manly graces of youth or the venerable aspect of age. A fabulous origin was assigned worthy of their form and manners—that the witches of Scythia, who, for their foul and deadly practices, had been driven from society, had copulated in the desert with infernal spirits, and that the Huns were the offspring of this execrable conjunction." "Mihiragula, their most capable leader, has been styled the Attila of India. One of his favourite amusements was the expensive one of rolling elephants down precipitous places in order to watch their sufferings. His abominations raised the Indian tributary princes to revolt, and he was overthrown (A.D. 528). But the final ending of the Hun raids into India was effected not by the Indians, but by the destruction of the central Hun establishment on the Oxus (565) due to the growing power of the Turks, working in concert with the Persians. Nomads without central grazing grounds must disperse; there is nothing else for it."[1]

Extinction of Buddhism.

A king, who found pleasure in the torture of elephants, could not pretend to be a very enthusiastic worshipper at the shrine of the saint who sacrificed himself to feed a starving tigress. And to do him justice, Mihiragula was no hypocrite. Spurred on by the Brahmins, he subjected the innocuous Buddhist monks to a fierce persecution. But the Huns only extinguished the embers of a fire which was no longer fanned by the zeal of Asoka or even of Kanishka. A religion, with no God, no theology, no priests

[1] *Wells*, 396; *Smith*, 315-9; *Gibbon*, XXVI.

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and no promise for the future, gave little to sustain the spirits of its followers in the hour of trial. And against this vague ethical system the Brahmins were mobilising forces of tremendous power. To the old nature gods of the Aryans,[1] they added the more primitive, but also more terrible deities of the old Dravidian civilisation.[2] Above all the great god Shiv, typifying the powers of Sex and Death, seduced the weak and hardened the cruel. Under his terrible leadership all the forces of the world, the flesh, and the devil were mobilised by the Brahmins for the destruction of Buddhism. Attempts were made to reply to this onslaught by making Buddha into a god, and absorbing serpent-worship and other primitive cults into the structure of Buddhism. But these feeble imitations of the Brahminical method deprived Buddhism of spiritual power without giving it worldly strength. "It had become formal and ceremonial without becoming popular. It had lost its first force as a way of life, as a solution of the riddle of existence. It was trivial and tedious, exalting the monastic habit, and visiting with severe penalties the taking of animal, and even insect, life." It lacked the persuasion of a promise and of a divine leadership to serve divine ends. "It was no match for the new Brahminism, which, departing from the 'bright' nature deities, and the simple worship of the Vedic hymns, laid itself out to pander to the terrors and the appetite for the marvellous of primitive man. It peopled the universe with fierce and terrible gods and goddesses, and invented monstrous and blood-curdling legends about its creation and its future. It borrowed from the aboriginal races their darkest myths, their grossest superstitions, their most dreaded and degraded deities; and it compounded these into the most fantastic and bewildering system of theology and metaphysics that the world has even known." Under Brahmin guidance the Huns exterminated Buddhism in the Punjab. Its feeble survivals in Bihar, the country of its origin, were finally extinguished by the first Mohammadan invasion (A.D. 1200).[3]

[1] p. 32.

[2] pp. 29, 30.

[3] *Wells*, 264-5, 271-2; *Holderness*, 45; *Maine*, 217; *Smith*, 301-2, 319; *Marsden*, 165, 211; *Baden-Powell*, 95.

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5. The New Hinduism

I am the God of the sensuous fire
That moulds all Nature in forms divine;
The symbols of death and of man's desire,
The springs of change in the world are mine;
The organs of birth and the circlet of bones,
And the light loves carved on the temple stones.

Lyall: *Siva.*

The New Hinduism non-ethical and priest-ridden.

The new religion which thus replaced Buddhism was essentially non-ethical. "The esoteric teaching of the higher forms of Hinduism doubtless included ethical doctrines, but they were added to, rather than sprung from the religion itself. A polytheistic creed must, from the very nature of things, be devoid of ethical significance. The aspects of Nature and the manifestations of physical force are manifold, and can reasonably be allotted to a multiplicity of gods, each supreme in his separate province; but only one rule of conduct, one standard of right and wrong is possible, and it cannot conveniently be either formulated or enforced by a Divine Committee. In many respects this separation of religion from ethics is doubtless an advantage, for it permits of a healthy development of the rules of conduct as the ethical perceptions of the race advance. When the god has once spoken, his worshippers can only advance by modifying their interpretation of his commands; and no greater misfortune could befall a people than that their religion should lend all the sanctions of its hopes and terrors to a precise code of right and wrong, formulated while the conscience of the nation was yet young and its knowledge imperfect. As in the case of all primitive worships, the evils the Hindus feared from their deities were physical; the help they hoped for material and not spiritual. Their gods were offended, not by disbelief and sin, but by neglect; they were to be propitiated, not by repentance and a new life, but by sacrifice and ceremonial observance;[1] and so long as their dues were discharged they would not grudge offerings made to others as an additional insurance against evil. The members of the Hindu Pantheon had many ranks and degrees, and, among the

[1] The Old Testament described the gradual emancipation of the Hebrews from this primitive conception of the Deity.

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superior gods at any rate, each worshipper selected for himself that one which he would chiefly venerate. Thus it was easy to add on at the bottom of the list without derogating from the dignity of those at the top; while the relative honour in which each was held presently became a matter for the worshipper to decide for himself. And so the gates of the Hindu, as of the classical Olympus, ever stood open to the strange gods of the neighbourhood, and wherever Hindus came into contact with worships other than their own they combined the two, and not infrequently gave the former precedence over the latter."[1]

Brahminism the distinguishing feature of Hinduism.

"But through all these diversities of worship there ran a common element, the clue to which was to be found in the extraordinary predominance which the priestly class obtained in India; just as the explanation of the diversity itself was largely to be found in the ambition of that class. In pre-Christian polytheistic Europe the separation of ethics from religion was no less complete than in India; but while in India the study of the two was combined, in Europe Greece developed religion into philosophy, while Rome formulated practical ethics in the shape of law, and each was content to receive at the hands of the other the branch which that other had made her own. When Christianity swept away the relics of the old gods, the separation had become too complete to be ever wholly obliterated; and though the priests of the new monotheism struggled fiercely, and with no small measure of success, to recombine the two and to substitute the Canon for the Civil Law, yet there ever existed by the side of but distinct from the clergy, a lay body of educated lawyers who shared with them the learning of the day and the power which that learning conferred. If then under such circumstances the political power of the Church in Europe was for centuries so immense for good or evil as we know it to have been, it may be conceived how wholly all authority was concentrated in the hands of the Brahmins and how they exercised that power in India, where all learning of every sort and kind was absolutely confined to the priestly class. The position of the Brahmins with respect to religion in India seems to have been closely analogous to that which the lawyers formerly held with respect to law in England. The language in which religious rites were

[1] *Ibbetson*, 210.

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conducted was scrupulously kept from the knowledge of the people, while the procedure was extremely technical, and any error in form, however minute, destroyed the efficacy of the ceremony. The result was that Hinduism early degenerated from a religion into a sacerdotalism, and may be far better described as Brahminism than by any other single word; and it is this subjection to and veneration for the Brahmin which formed the connecting link that ran through and bound together the diverse forms of worship and belief which constituted the new Hinduism."[1]

Development of the caste system.

It is this predominance of the priesthood, moreover, that explains both the catholicity and the exclusiveness which characterised the new Hinduism. If to give to a Brahmin is to worship God, the larger the circle of worshippers the better for the Brahmin; and if new worshippers will not leave their gods behind them, it would be foolish to exclude them on that account, as there is ample room for all. On the other hand, with the increase in numbers of the levitical body, many of its members necessarily remained illiterate, and the Brahmins were compelled to fall back upon hereditary virtue as the only possible foundation for the power of their class. Here they found in the tribal divisions of the people, and in the theory of the hereditary nature of occupations which had sprung from them, an institution suited to their purpose and ready to their hands. This they developed into that complex web of caste-restrictions and disabilities which enveloped a high caste Hindu from his mother's womb. And so the special power and sanctity of the Brahmin came to depend for its very existence upon the stringency with which caste-restrictions were maintained, the act of worship was subordinate to the idea of ceremonial purity, and for a definite creed was substituted the domination of a priestly class, itself divided into a thousand sects and holding a thousand varieties of doctrine. To the aboriginal who, with his gods on his back, sought admission within the pale of Hinduism, these restrictions presented no obstacle. They were but developments of the system which obtains in all primitive forms of society; and so far as they differed from the rules which he already observed, they tended to raise him in the social scale

[1] *Ibbetson*, 212; *P.A.R.*, 641; *Maine*, 217-8; *Holderness*, 46, 112-5, 117-8; *Marsden*, 163, 165-9; *Wells*, XIX. 1-4.

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by hedging him round with an exclusiveness which was flattering if inconvenient. But to the outcast whose hereditary habits or occupation rendered him impure from birth, admission was impossible, at least to the full privileges of Hinduism.[1]

Tribal and occupational origins of caste.

Many of the caste rules were merely developments of early tribal custom,[2] and had their parallel in other nations. The family, sub-caste, and caste of Hinduism correspond to the family, clan, and tribe of the Greeks and Romans.[3] The rule that a man must marry outside his sub-caste and within his caste had its analogue in Greece and Rome. In Rome there was a long struggle before the plebeians obtained the right of lawful marriage with patrician women. Similarly there were restrictions about food and the hearth-fire in Greece and Rome which recall those in force in India. In India, when a man is excluded from caste for some delinquency his "tobacco and water"[4] is said to be stopped. He may not drink from a caste-fellow's vessel or have a pull at his pipe. In Rome the formula was exclusion from water and fire,[5] fire here meaning the sacred fire of the hearth.[6] The object of such rules was to increase the strength and preserve the unity of the tribe. But with the progress of civilisation an urban population grew up in which occupational distinctions obscured the old tribal divisions. Eventually corporate communities or guilds were formed, held together by the ties of common occupation rather than of common blood. Each guild was self-contained and self-governed, and bound by strict rules, the common object of which was to strengthen the guild and to confine to it the secrets of the craft which it practised. Such were the trades-guilds of the Middle Ages as we first meet with them in European history. But all modern inquiry into their origin and earlier constitution tends to the conclusion that the guild in its first form was, no less than the tribe, based upon common descent; and that the fundamental idea which lay at the root of the institution in its inception was the hereditary nature of

[1] *Ibbetson*, 212; *P.A.R.*, 642.

[2] See pp. 13-14, 23-28.

[3] Latin, *gens, curia, tribus.*

[4] *Punjabi huqqa pani band.* The reference to tobacco is clearly a modernisation of an older phrase.

[5] *Aqua et igne.*

[6] *Holderness*, 91-2.

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occupation. Now here are two principles, community of blood and community of occupation. So long as the hereditary nature of occupation was inviolable, so long as the blacksmith's son must be and nobody else could be a blacksmith, the two principles were identical. But the struggle for existence is too severe, the conditions of existence too varied and the character and capacity of individuals too diverse to permit of this inviolability being long maintained; and in any but the most rudimentary form of society it must, like the socialist's dream of equal division of wealth, cease to exist from the very instant of its birth. And from the moment when the hereditary nature of occupation ceases to be invariable and inviolable, the two principles of community of blood and community of occupation become antagonistic. The antagonism still continues. In every community which the world has ever seen there have been grades of position and distinctions of rank; and in all societies these grades and distinctions are governed by two considerations, descent and calling. As civilisation advances and the ideas of the community expand in more liberal growth, the latter is ever gaining in importance at the expense of the former; the question what a man is, is ever more and more taking precedence of the question what his father was. But in no society that the world has yet seen has either of these two considerations ever wholly ceased to operate; in no community has the son of the coal-heaver been born the equal of the son of the nobleman, or the man who dies a trader been held in the same consideration as he who dies a statesman, while in all the son has begun where the father left off. The communities of India in whose midst the Hindu religion was developed were no exceptions to this rule; but in their case special circumstances combined to preserve in greater integrity and to perpetuate under a more advanced state of society than elsewhere the hereditary nature of occupation, and thus in a higher degree than in other nations to render identical the two principles of community of blood and community of occupation. And it is this difference, a difference of degree rather than of kind, a survival to a later age of an institution which died out elsewhere rather than a new growth peculiar to the Hindus, which has given the distinctive name of caste in India to what would be called position or rank in England.[1]

[1] *Ibbetson*, 334; *P.A.R.*, 610.

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Thus in India, as in all countries, society was arranged in strata which were based upon differences of social or political importance, or of occupation. But in India the classification was hereditary rather than individual to the persons included under it, and an artificial standard was added which was peculiar to caste and which must be conformed with on pain of loss of position, while the rules which forbad social intercourse between castes of different rank rendered it infinitely difficult to rise in the scale. So too, the classification being hereditary, it was next to impossible for the individual himself to rise; it was the tribe or section of the tribe that alone could improve its position; and this it could do only after the lapse of several generations during which time it must abandon a lower for a higher occupation, conform more strictly with the arbitrary rules of the Brahmins, affect social exclusiveness or special sanctity, or separate itself after some similar fashion from the body of the caste to which it belonged. The whole theory of society was that occupation and caste were hereditary; but the presumption was one which could be rebutted, and was actually defeated in numberless instances. As in all other countries and among all other nations, the graduations of the social scale were fixed; but society was not solid but liquid, and portions of it were continually rising and sinking and changing their position as measured by that scale. The only real difference between Indian society and that of other countries in this respect was, that the liquid was much more viscous, the friction and inertia to be overcome infinitely greater, and the movement therefore far slower and more difficult in the former than in the latter. This friction and inertia were largely due to the set of artificial rules which had been grafted on to the social prejudices common to all communities by the peculiar form which caste took in the Brahminical teachings.[1]

The nature and evolution of the institution of caste.

Thus the main basis of diversity of caste was diversity of occupation. The old division into Brahmin, Kshatriya, Vaisya, Sudra, and the Mlechchha or outcast who is below the Sudra, is but a division into the priest, the warrior, the husbandman, the artisan, and

Occupation the primary basis of caste.

[1] *Ibbetson*, 340; *P.A.R.*, 612; *Baden-Powell*, 185-7; *Woodrow Wilson*, 13.

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the menial: and the more modern development which substituted trader for husbandman as the meaning of Vaisya or " the people " did not alter the nature of the classification. William Priest, John King, Edward Farmer, and James Smith are but the survivals in England of the four castes[1] of Manu. But in India which was priest-ridden to an extent unknown to the experience of Europe even in the middle ages, the dominance of one special occupation gave abnormal importance to all distinctions of occupation. The Brahmin, who could at first claim no separate descent by which he should be singled out from among the Aryan community, sought to exalt his office and to propitiate his political rulers, who were the only rivals he had to fear, by degrading all other occupations and conditions of life. Further, the principle of hereditary occupation was to him as a class one of the most vital importance. As the Brahmins increased in number, those numbers necessarily exceeded the possible requirements of the laity so far as the mere performance of priestly functions was concerned, while it became impossible for them to keep up as a whole even the semblance of sacred learning. Thus they ceased to be wholly priests and a large proportion of them became mere levites. The only means of preserving its overwhelming influence to the body at large was to substitute levitical descent for priestly functions as the basis of that influence, or rather perhaps to check the natural course of social evolution which would have substituted the latter for the former; and this they did by giving the whole sanction of religion to the principle of the hereditary nature of occupation. Hence sprang that tangled web of caste restrictions and distinctions, of ceremonial obligations, and of artificial purity and impurity, which has rendered the separation of occupation from descent so slow and so difficult in Hindu society, and which collectively constitutes what is known as caste. Circumstances had raised the Brahmins to a position of extraordinary power; and naturally, their teaching took the form which tended most effectually to preserve that power unimpaired.[2]

[1] Sanskrit, *varna*.

[2] *Ibbetson*, 335; *Wells*, XX. 5; *Jenks*, 61-2, 64, 65; *Marshall*, 682.

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But even the sacred ranks of the Brahmins were split up into an immense number of groups[1] and sub-groups which for matrimonial and other purposes were classified in a most intricate fashion. A Brahmin might only intermarry within a limited number of sub-groups other than his own. The social status of each sub-group depended mainly on the status of the caste or sub-caste for which it performed priestly functions. Sub-groups,[2] which permitted the receipt of offerings of questionable seemliness, or were employed at funerals, were graded low. Below the Brahmins ranked an immense array of lower castes. In the towns these traced their origin from groups very similar to the guilds of mediæval Europe. When a group of people in daily intercourse with one another had to earn their living in difficulties, and rely on one another's aid in contending with those difficulties, a feeling of brotherhood almost inevitably grew up, and in India such a group formed a caste. These town castes of traders made rules which secured for their goods a high-priced if limited market among the surrounding villagers. Thus for them the caste system was bound up with the maintenance of trade monopolies which enabled them to take a heavy toll of the labour of the country-side, and consequently next to the Brahmins, the traders of the towns formed the most strenuous supporters of the caste system, and were allotted a correspondingly high position in the social scale of castes.[3]

Brahmin and trading castes.

Outside these higher castes with their real or fictitious claims to Aryan descent, remained many aboriginal tribes of vagrant habits, who wandered about from jungle to jungle and from village to village, feeding on vermin such as jackals, foxes and lizards, and eating such dead bodies as fell in their way. The grasses which fringed the village ponds were plaited by them into a thatch to shelter them from the sun, or into baskets to carry their scanty possessions. Living with their women very much in common, they were ready to prostitute them for money when occasion offered; and they were always on the watch for occasions of pilfering.

Origin of the menial castes.

[1] e.g., the Sarsut in the Punjab proper, the Brahmins *par excellence* of the Khatri and Arora castes; and the Gaur mainly living in the East Punjab in the country bordering on the Jumna.

[2] e.g., the Acharaj, Sawni, Vedpatr and Dakaut.

[3] *Wells*, 405; *P.A.R.*, 622; *Holderness*, 98-100; *Marshall*, 685-6.

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Many such tribes abandoned their vagrant habits and settled as menials in a village. Being no longer nomads they ceased to hunt and eat vermin; but they still ate carrion, plaited grass; and being what they were, the filthiest work to be performed, that of scavenging, fell to their share and they formed the sweeper[1] caste of the village. Ambitious members of the caste, desirous of a rise in life, sometimes abandoned grass-plaiting and scavenging, and took to tanning and leather-work, the next less filthy work available; modifying their creed so as to render it more like that of their Hindu neighbours, but still being specially concerned with dead animals and continuing to eat carrion. Thus arose the Chamars, the tanner caste. Some of these latter desiring to rise still higher in the social scale, gave up eating carrion, and leather-working and took to weaving, an occupation which obtaining as it did its implements from the outcast classes of grass-plaiters, was considered only less degrading than that of the tanner. The weaver[2] caste, thus formed, was admitted under semi-protest within the pale of Hinduism. In this way all classes and occupations were ranged in a carefully graded social scale; which though based on occupational or tribal origins, yet received its religious sanction from the Brahminical code.[3]

Political basis of caste amongst agriculturists.

Outside the priests, the traders, and the menials remained the great mass of the population—the agriculturists. In the Punjab they were never properly absorbed into the caste system.[4] But they were affected by it. So far as they all subsisted by husbandry and cattle-farming, their occupation was the same. But they were also the owners as well as the occupiers of land. The holders of more or less compact tribal territories, they were overlords as well as villeins; and hence sprang the cardinal distinction between the occupation of ruling and that of being ruled. Where the actual calling of everyday life was the same, social standing, which was what caste connoted, depended very largely upon political importance, whether present, or belonging to the recent past. There was the widest distinction between the dominant and the subject

[1] *chuhra*.
[2] *julaha*.
[3] *Ibbetson*, 565; *Holderness*, 100-2.
[4] p. 33.

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tribes, and a tribe which had acquired political independence in one part of the country, enjoyed there a position in the ranks of caste, which was denied it in tracts where it occupied a subordinate position.[1]

Codification of early Hindu law; the Laws of Manu.

The Brahmins had already formulated many rules of religious and ceremonial observance based on a modification of old Aryan tribal custom.[2] Such rules, handed down by the oral tradition of a priestly or aristocratic class, governed the daily life of every ancient nation. But the discovery and diffusion of the art of writing suggested the incorporation of these rules in a code. Such codes mark a definite stage in the development of customary law. In the West they were generally formulated in response to a popular demand for laws which could be understanded of the people; they were democratic rather than aristocratic. But in the East and particularly in India they were the means by which the priestly oligarchy riveted its power still more firmly on the illiterate masses. The Brahmins found the opportunity of increasing and consolidating their influence too tempting to be resisted. Their complete monopoly of legal knowledge enabled them to produce a collection not so much of the rules actually observed as of the rules which they considered proper to be observed. The Brahmin Code, the Laws of Manu,[3] "undoubtedly enshrined many genuine customary observances, but it did not, as a whole, represent a set of rules ever actually administered". This was particularly the case in the Punjab where custom remained independent of, though influenced by, Brahminical precept.[4] The Code "was in great part an ideal picture of what in the view of the Brahmins, ought to be the law. It is consistent with human nature and with the special motives of their authors, that codes like that of Manu should pretend to the highest antiquity and claim to have emanated in their complete form from the Deity. Manu, according to Hindu mythology, was an emanation from the supreme God; but the compilation which bears his name" was a relatively recent production of Hindu jurisprudence.

[1] *Ibbetson*, 342; *P.A.R.*, 611, 613.

[2] p. 33.

[3] Drawn up about A.D. 300. *Smith*, 144, 305; *Cambridge*, 278.

[4] *Baden-Powell*, 217; *Maine*, 20; p. 33.

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As a consequence it embodied, not only the reasonable usages of tribal custom, but all the complicated ordinances which analogy had enabled the Brahmins to lay on that original substratum. "After one kind of food had been interdicted for sanitary reasons, the prohibition was extended to all food resembling it, though the resemblance depended on analogies the most fanciful. So again, a wise provision for insuring general cleanliness dictated long routines of ceremonial ablution, and that division into classes which at a particular crisis of social history was necessary for the maintenance of the national existence degenerated into the most disastrous and blighting of all human institutions—Caste." The Laws of Manu, like other early codes, mixed up religious, civil and merely moral ordinances, without regard to differences in their essential character. The severance of law from morality, and of religion from law, belonged to a stage of mental progress hardly ever conceived of in the East.[1]

Marriage Laws.

A striking example of the influence of the Brahminical text-writers on tribal custom is to be seen in their attitude towards widow re-marriage. Early tribal custom allotted the widow to the next of kin, who "should raise up seed to his brother".[2] This led to frequent disputes, as the widow often preferred someone else, and went off out of the family, taking the family jewelry with her. Tribal public opinion therefore gave some support to the theory developed by the Brahmins that a widow should not re-marry, and that the best thing for her to do was to immolate herself on her husband's funeral pyre.[3] In the Punjab this rule was only obeyed by the urban castes following the Brahminical tradition, the agriculturists still following the old tribal custom, though the second marriage had not the sanctity of the first[4] and was called by a different name.[5] Another set of complicated rules was evolved from a custom of primitive savages,[6] prohibiting marriage within a narrow

[1] *Robertson Smith*, 49; *Ancient Law*, 14-20.

[2] *Cambridge*, 292. Cf. Deuteronomy, xxv. 5; Ruth, iv. 5; Matthew, xxii. 24; Mark, xii. 19; Luke, xx. 28.

[3] The practice of *suttee* (*sati*).

[4] Now *shadi*.

[5] Now *karewa*.

[6] i.e., the forest dwellers described in Chap. I, 3, as opposed to nomads described in I. 2.

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group (*exogamy*), and enforcing marriage within a wider group (*endogamy*). The promiscuous sexual relations of primitive times rendered this a necessary protection against degeneracy through inbreeding, but the Brahmins developed and expanded the custom when the need for it had disappeared. Marriage must be within the caste, and outside the sub-caste of the caste-man's father, and often also outside that of his mother and maternal grandmother.[1] This rule obtained not only amongst the Brahminised urban population, but also to a large extent among agriculturists as well.[2]

The Joint Family.

Early tribal custom dealt not with individuals, but families. At first the father's authority was regarded as almost of divine right, and this relic of a tribal past was preserved to a late date in Roman law as the *patria potestas*. In India it survived in the power of the tribal and sectional chiefs and patriarchs. But in the family itself it almost disappeared except in certain ceremonial and religious aspects. "The head of the family was now little more than the manager and elder member of a coparcenary body. Every son, as soon as he was born, had an inchoate interest in all the ancestral property. The custom was established that the house-father should not make an alienation of the inheritance to the prejudice of his descendants, and that a sonless co-sharer should not adopt an heir except from among the near agnates, and even then only with the consent of the rest." Such a body of co-heirs might remain joint for a long time. They would all be jealous of their equal representation of the dignified founder; and would avoid division of the joint property for fear lest particular individuals might gain an advantage over the rest. If the land were cultivated by tenants, the rents could be easier divided than the tenancies themselves. If the joint proprietors were themselves cultivators, one or two objectors would be in a position to render partition difficult. Such a holding might thus continue joint till the third generation, that is, within the circle of close-kindred.[3]

[1] p. 62; *Cambridge*, 243.

[2] *Ibbetson*, 682; *Jenks*, 9-10; *Holderness*, 104; *Maine*, 55.

[3] p. 24; *Baden-Powell*, 217, 220, 241-2, 415-20; *L.S.B.I.*, vol. I, 108, 112; *Ancient Law*, 258.

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6. The People and the Land

Early ideas of property in land.

"The sum-total of a man's fortune, including not only the objects of which he is owner, but also the value of any claims which he may have against other persons, after deducting the amount of any claims which might be made good against himself, is described as his 'property', and he is said to 'own' it."[1] This modern conception of property has been evolved through centuries of jurisprudential development. Early ideas were much cruder. The savage only owned his hunting weapons; the nomad his movable cattle, wives, children, and slaves.[2] Neither had any conception of property in land apart from a general desire to warn strangers off their hunting or grazing grounds. But with agriculture land became more valuable with each new improvement in cultivation, and the improver became less and less willing to see it pass into the hands of others, or to move on to other land on which less labour had been expended. This primitive reluctance to part with an advantage was expressed in the Roman conception of ownership constituted by "Possession, Adverseness of Possession, that is, a holding not permissive or subordinate, but exclusive against the world, and Prescription, or a period of time during which the Adverse Possession has uninterruptedly continued". Moreover the primitive world was "concerned not with individuals, but groups", and such family property necessarily belonged jointly to all the individuals composing the family, and not separately to the individuals.[3] But the earliest sanctions for property were religious rather than legal. Property belonged not so much to a family, as to that family's deities,[4] and was theirs for ever. Wicked men might disregard the general respect for this appropriation; but they would not escape with impunity. The old Jewish law laid a curse on him who disturbed his neighbour's landmark, and the old Roman statute outlawed the man who had but touched a boundary pillar.[5] Now those with claims on land were not concerned with abstract theories of ownership, but with the practical question of what could be got out of it. Like the shareholders

[1] Holland, *The Elements of Jurisprudence*, 297.

[2] p. 13. [3] pp. 23-4. [4] Cf. p. 32.

[5] *terminus*. Cf. *Jenks*, 97-9; *Ancient Law*, 254-5; 259-62, 270; *West*, 12.

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of a modern limited liability company they were interested more in the dividends than in the nominal value of the shares. And dividends were distributed from the produce, which was the common property of every class in the agricultural community from the king to the slave. No one was absolute owner more than the others. The basis of the whole society was the grain-heap, in which each constituent rank had its definite interest. There was as yet no trace of private property, whether individual or communal; the rights which bore the nearest resemblance to it being the essentially State-rights of the king. "No one conceived of his hereditary right as setting up an exclusive title to the enjoyment of the whole of the produce of the land tilled." The claim to a certain share of the produce was the tangible element and apparent symbol of right rather than any theory of soil ownership whether individual or collective. "Every holding collected its own grain-produce, and after setting apart the share of village officers and artisans, and then the King's share, the rest went entirely to the several land-holders. The cultivating holder's share was not, therefore, in any way independent of the extent and advantages of the particular holding or the amount of labour and skill expended on it."[1] But where cultivation depended on the supply of water a new class of right came into being. In many parts of the hills cultivation was mainly dependent on a few streams, which only flowed when sufficient rain had fallen in the hills beyond to fill the irrigation channels. Here the produce of the land depended on the water supplied to it, and it was, therefore, the right to water rather than to the land itself which was important. The share of the water-supply to which each joint family was entitled would require fixing, and regulations would then be made for the distribution of the water in accordance with those shares. In the desert tracts of the uplands between the rivers a similar importance accrued to ownership rights in wells, without which cultivation was impossible and even pastoral life difficult.[2]

Occupancy and ownership.

But among all the claimants to a share in the produce, the rights of one called for special consideration. The actual cultivating occupant must be allowed sufficient to support himself and his family

[1] *Baden-Powell*, 213.

[2] *L.S.B.I.*, vol. II, 643-4.

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or he would cease to cultivate. Moreover the value of the landed property itself depended on what the cultivator both could and would get out of it, and increased when the cultivator knew that he would benefit from an increased crop. But these admissions of his right by superior powers were based rather on policy than on principle. "It is only when the rights of property have gained a sanction from long practical inviolability, and when the vast majority of the objects of enjoyment have been subjected to private ownership, that mere possession is allowed to invest the first possessor with dominion over commodities in which no prior proprietorship has been asserted. The sentiment in which this doctrine originated is absolutely irreconcilable with the infrequency and uncertainty of proprietary rights which distinguish the beginnings of civilisation. Its true basis seems to be, not an instinctive bias towards the institution of Property, but a presumption, arising out of the long continuance of that institution, that everything ought to have an owner. When possession is taken of a *res nullius*, that is, of an object which is not, or has never been, reduced to dominion, the possessor is permitted to become proprietor from a feeling that all valuable things are naturally the subjects of an exclusive enjoyment, and that in the given case there is no one to invest with the right of property except the Occupant. The Occupant, in short, becomes the owner, because all things are presumed to be somebody's property and because no one can be pointed out as having a better right than he to the proprietorship of this particular thing." But a clear conception of land ownership was quite foreign to oriental methods of thought, and was only introduced into India by the English. Still more foreign was the doctrine of an economic rent equivalent to the amount which a tenant would first pay rather than leave the land—a doctrine based by the Manchester school of economists on very different *data*. The doctrine then known in India was,

> The good old rule, the simple plan.
> That they should take who have the power,
> And they should keep who can.

And the oppressor of those days

> Proved his doctrines orthodox
> By apostolic blows and knocks,

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instead of by copies of High Court judgments or quotations from Ricardo or Adam Smith.[1]

Methods of acquiring land: (i) occupation.

Thus the primitive theory of property in land presupposed certain joint family claims on the produce, the claim of the cultivating occupants calling for special consideration. These claims originated in various ways. " In a very early stage, a body of primitive settlers comes to a ' boundless ' area of wooded or jungle-clad but fertile plain. As each household group laboriously clears and renders fit for cultivation a certain area, the father, or the united family, as the case may be, regards the plot as now connected with himself or themselves specially in virtue of the labour expended on it." In hill districts the labour may consist of " embanking and terracing fields on the hill side, and making water courses to divert the streams of hill torrents ", in a dry open plain of digging wells. In all these cases the man (or family) by whose agency the change has been effected, is sure, at an early stage, to regard himself, and be regarded by others, as peculiarly entitled. His " claim is recognised by all, because every other member of the clan has the same feeling as regards the field that he himself has cleared. The feeling of right is further developed when each holding is the result not merely of a random choice, but of some regular procedure of allotment by the clan chief." The claim is recognised in the Laws of Manu[2] which declare a field to belong to him who cut away the wood or who cleared and tilled it, and a deer to him who owned the arrow which first struck it "[3] and Punjab tenants " who never heard of Manu or any other Hindu law-book, and who admit that they have no direct landlord claim ", will still urge a right to occupy land on the ground of having broken up the land and cleared away the jungle.[4] The Roman lawyers, who gave precise definitions to the vague legal conceptions of primitive man, classed Occupancy among the " natural modes of acquisition ". " Occupancy is the advisedly taking possession of that which at the moment is the property of no man, with the view (adds the technical definition) of acquiring property in it for yourself.

[1] *Ancient Law*, 294-5, 299-301; *Maine*, 198-9.

[2] p. 64.

[3] ch. IX, v. 44. It occurs casually in connection with the argument about the right to a child begotten of a woman by a man other than her husband.

[4] *buta shigafi*; *nautor*.

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The objects which the Roman lawyers called *res nullius*—things which have not or have never had an owner—can only be ascertained by enumerating them. Among things which never had an owner are wild animals, fishes, wild fowl, jewels disinterred for the first time, and *lands* newly discovered or *never before cultivated.*"[1]

(ii) conquest. But very soon another factor comes into question. When tribes multiply, and come into conflict, and one is superior in energy and in power of combination to another, the possession of land no longer remains a matter of first appropriation in the absence of all other claims. Might becomes right; and conquest gives a new title. The title by "first clearing" is overborne by the title by conquest, notwithstanding that the claim by first clearing will probably be acknowledged by the conquerors as among themselves. This claim by conquest and superiority the next generation will euphemise as the claim by "inheritance". It is curious to observe that a people so advanced as the Romans, and so apt to make that legal analysis of things which has influenced all subsequent views regarding ownership, not only conceived the idea of *res nullius*—i.e., crude material or potential property as yet unappropriated—but they boldly held that when war broke out the lands and property of an enemy reverted to a state of nature and once more became *res nullius*. The conquerors began over again the process of customary appropriation.[2]

(iii) the State. But with the rise of the power of the State through the development of monarchy, claims of a different nature began to be made. Other rights in land were only recognised in so far as they were certified by the king, and this power of the king's to certify claims might itself partake of the nature of ownership. "The fact of the King having a share in the produce naturally put him in a position to exercise a degree of control, the limits of which, in fact, depended on his own sense of what was right." But this right of lordship over an estate had nothing to do with the question of labour or expense incurred in clearing and cultivating the soil, but was an over-lordship, based on caste or family superiority, attained by conquest or otherwise; and it

[1] *Baden-Powell*, 206, 240, 400; *L.S.B.I.*, vol. I, 114, 227; *Ancient Law*, 245, 252-3; pp. 19, 25.

[2] *Baden-Powell*, 211, 399, 400, 402; *Ancient Law*, 246-8; p. 22.

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expressed itself by taking a share in the produce raised by tenants, dependents, or a pre-existing body of agricultural settlers. It was made tolerable to the now subordinated original settlers by the degree of protection which the over-lord, even in his own interest, afforded to the villages from which he derived his revenue or income.[1]

(iv) State grantees.

But the king could only exercise his rights through delegates, and with any weakening of the royal authority these delegates would try to draw the royal rights to themselves. When once the king "attained to a superior lordship of the whole soil, all grantees and others deriving their title from his would naturally have their pretensions enlarged; and these they could the more easily realise, because they were in closer managing connection with the land than the King at his capital, acting only through his officials, could ever be". Thus the ancient rights by first clearing or conquest were in many cases overshadowed by the claims of grantees, who spoke of their rights of over-lordship as an inheritance.[2] "There is frequently good reason to desire some euphemistic term to account for the successful acquisition of a village or other estate and when the title actually descended to later generations, it was spoken of proudly as 'the inheritance'. Such an 'inheritance' was always of an over-lord right (which subsequently ripened into a proprietorship in the hands of a joint body of heirs) or with some special privileged ownership or permanent superior title. In some cases these rights were superimposed one on the other, each of the claimants taking a share of the produce."[3]

Inalienability of inherited land.

These rights in land, however acquired, had generally a religious significance in ancient times.[4] The feeling was widespread. Acting on the advice of the daughter of the chief commercial magnate[5] of the mercantile city of Sidon the uxorious Ahab endeavoured to buy up the adjacent vineyards of Naboth; who, however, refused to give up "the inheritance of his fathers". And even Jezebel found she had gone too far for the moral sense of Israel as embodied in Elijah and Elisha, and the military spirit

[1] *Agricultural Practice*, 23; *Baden-Powell*, 207-9, 403; *L.S.B.I.*, vol. I, 22; *Taxation Committee*, 80.

[2] The later Muhammadan rulers used Arabic terms, viz. *warisi* or *mirasi*, right, or *wirasat*, all connected with the Arabic *wirs*, inheritance.

[3] *Baden-Powell* 210-21; *Jenks*, 100; pp. 37, 39.

[4] p. 67. [5] The so-called "King" of Sidon.

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of the army of peasant proprietors under Jehu.[1] "The sale of land was positively forbidden in Sparta and many other ancient States; and the utmost amelioration allowed at Athens under the laws of Solon was that a man might part with his land if he would also renounce his citizenship." The old Hindu rule[2] that "in regard to immovable estate sale is not allowed" was afterwards relaxed, but the primitive notion never died out. The law of equal partition "broke in upon the original sole succession of the eldest, as solely capable of performing the family rites" and the idea of complete inalienability could not be maintained; yet the ceremonies through which alone a transfer could be effected were so cumbrous as to render alienation exceedingly difficult. The Roman *mancipatio*, a religious ceremony, was an analogous way out of the same difficulty. In Greece there could be no sale without a sacrifice. The alienation of ancestral property was restricted by the agricultural custom of Northern India to cases of proved necessity; and even more objection was felt to adoption, by a sonless landowner, of anyone who was not either a near agnate (with consent of the rest) or a resident son-in-law.[3] Still less could a creditor compel an involuntary owner to alienate his land in satisfaction of debt. Widows were restricted to a life tenure with no power of alienation. These rules applied strictly to ancestral property, but more relaxation was allowed with regard to the acquisitions made by a would-be alienor during his lifetime. These were generally regarded as his own and transferable at pleasure.[4]

Agricultural progress.

Meanwhile agricultural methods evolved slowly, gradually adapting themselves to the circumstances of each locality. The old bent tree bough drawn by oxen[5] gradually developed into a plough with smoothed handles

[1] See 1 Kings, xxi.; 2 Kings, ix.

[2] Quoted in the Mitakshara.

[3] The "resident-son-in-law", *khana damad* (Persian); *ghar-jawai* (Hindi), was virtually a form of adoption. A sonless land-owner could take into his family a child, or a youth, and if he gave satisfaction would marry him to his daughter on the understanding that he would succeed as heir to the land. Sometimes the marriage took place at once, oftener the "son-in-law" was taken as a child, and the father deferred the formal acknowledgment and betrothal till he saw how the boy would turn out. The custom still survives.

[4] *Baden-Powell*, 220; *L.S.B.I.*, vol. I, 226; *West*, 13-14, 16; *Ancient Law*, 271-2, 280-2; *Maine*, 54-5; *Cambridge*, 200.

[5] p. 31.

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which cut up the soil with a tapering triangular spike of hard wood, the base of the triangle being uppermost. This spike was transfixed at right angles by a long pole to which the oxen were harnessed.[1] This plough was excellent for the purposes for which a harrow is now commonly used, stirring the soil and breaking it up; but it was not very effective in cutting the top layer of soil, and did not entirely invert all the soil it loosened. It was originally made entirely of wood, but with the development of the art of hammering the soft and excellent iron which abounds in the Himalayas an iron cap was affixed to the point of the spike which dug the furrow.[2] But transport difficulties rendered iron costly and its use for ploughs as for hoes and other minor agricultural implements was always economised as far as possible.[3] The ox was the most important draught animal for ploughing and treading out the corn; and oxen could always be obtained cheaply and easily from the nomad grazers of the central Punjab.[4] The necessity for preventing the indiscriminate slaughter of oxen amid the incessant fighting that went on, led to cow-killing being regarded by Hindus as on a level with the worst kind of murder, the murder of a Brahmin.[5] By letting loose good stud bulls for breeding, merit accrued to the wealthy Hindu of a pious temperament. As a result Indian cattle compared so favourably with those of other countries, that Alexander sent a selected batch of Punjab cattle to Macedonia to improve the local breed.[6] The immemorial crops continued to be grown often with the aid of manure, though the pear and peach were introduced by Chinese hostages in the reign of Kanishka.[7]

From the first the dry climate of the Punjab offered inducements to irrigation wherever feasible. In the uplands between the rivers the wells, which were necessary to give water to man and beast, could also be used to irrigate a small oasis of wheat.[8] In the riverain areas where well-water was near the

[1] See fig. opposite.

[2] *Baden-Powell*, 189; *Roberts*, 47; pp. 15-17.

[3] *Moreland Akbar*, 106.

[4] *Moreland Akbar*, 106.

[5] Horse-stealing in the wild and woolly west of America was regarded in much the same light as cow-killing in India; for to steal a horse was practically to take away its owner's life.

[6] *Smith*, 52.

[7] *Smith*, 263; *Cambridge*, 135.

[8] p. 9.

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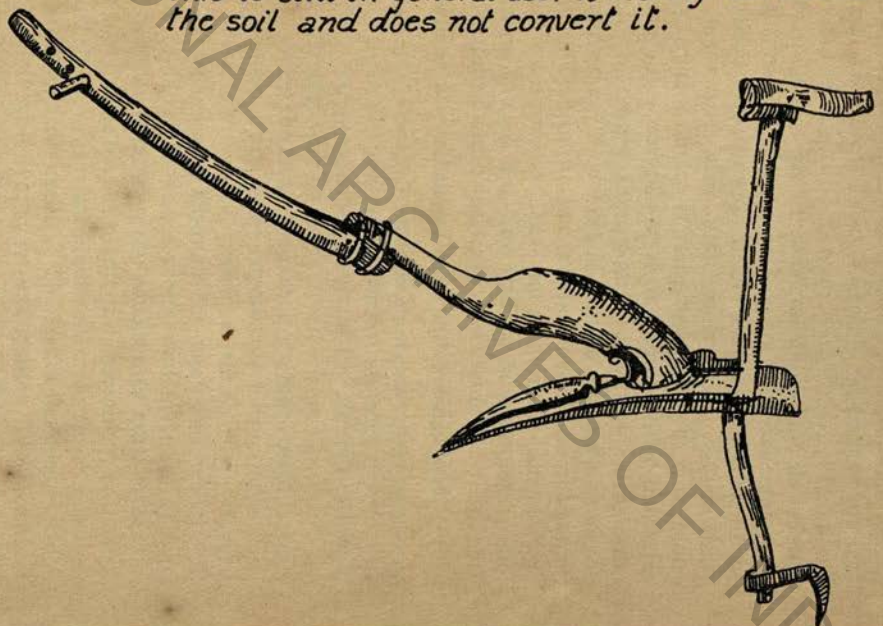
PRIMITIVE PLOUGH

This is still in general use. It merely scratches the soil and does not convert it.



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surface irrigation was easier and more profitable.[1] The normal method of raising well-water for irrigation purposes was by means of oxen walking down an inclined plane and so drawing up a leather bucket from the well. But the Persian wheel (with its endless series of little earthen pots dipping at one end into the water) was applied widely in early times[2] to the lifting of water from river or stream, and the application of this principle to the raising of well-water must have been only a question of time; though its name indicates that its general introduction into the western and central Punjab came with the Muhammadan invasions. In the hilly tracts of the north-west the south-east and south-west, the water which occasionally, after a burst of rain, rushed down in torrents, was restrained by embankments[3] and spread over the fields as required. In really mountainous districts water from streams would be led by means of contour channels along the hillside till a point was reached whence it could be discharged on some cultivated area.[4] But the great irrigation systems of the Euphrates and the Nile had no counterpart in the Punjab. No sacred bull as in Egypt, was seen

Trampling the *unshowered* grass with lowings loud.

The first condition for the complicated organisation necessary to a great irrigation system is political security. And this condition was conspicuously absent in the Punjab, situated as it was on the highway of every invader from Central Asia.[5]

Origin of agricultural indebtedness.

With the first appearance of a State organisation, wielded by a king capable of enforcing a law, arose the great problem which has dogged agricultural development through the ages and which still confronts it to-day. In bad seasons, and in times of war, pestilence, or other calamity, the community must either see itself weakened by the loss of many of its members, or it must itself support them, or it must enable them, as far as possible, to obtain subsistence on credit. The last is the course which recommends itself wherever it is practicable. The wealthier members of the community lend of their abundance to the poorer, and to induce them to do this, the State enforces the

[1] p. 9. [2] It is portrayed on Assyrian monuments.

[3] Now known as *bands*. [4] p. 17.

[5] *Baden-Powell*, 189; *Smith*, 132-3; *P.A.R.*, 298-301; *Moreland Akbar*, 106; *Cambridge*, 135.

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sometimes very hard terms on which they insist. The harshness of these terms in a half-civilised community is no doubt excessive, but it is preferable to starvation; and when the further progress of the society makes this harshness repulsive to its moral sense, the poor obtain little or no credit when they most want it. The State then has to afford by the machinery of a poor law, or in some other way, the relief which its subjects at an earlier stage would have had to purchase by their own labour in temporary or permanent slavery. In the inter-communication and mutual dependence which immediately grow up in an organised community, the capacity of individuals to perform the duties, required from them by the State, must often depend on their obtaining the performance of obligations due by others to them. Such obligations, therefore, the State is interested in enforcing. It is interested, too, in a society of the Asiatic type, in encouraging loans of grain, in order that a produce may be realised, of which it will itself receive a share. At a further stage of progress, it finds its advantage in cultivating a general regard for the sacredness of engagements as a means of obtaining faithful service for itself, and of furnishing a stimulus to the influx and accumulation of capital by which it indirectly profits.[1]

The mischiefs arising from the harsh debt laws of early times, were especially conspicuous when a community passed from a very low state of organisation to one of comparative complication and refinement. The agents and instruments of accumulating wealth acquired in such a state of things a continually increasing value. The pitiless rules and rude fictions which worked tolerably well in a medium of diffused stolidity and indifference to suffering, and where there was no great temptation to abuse them, were employed more unreservedly and more intolerably as cupidity and sensitiveness both attained fuller development. In an expanding society, with abundant means of production spread out before it, every one could earn something beyond his own subsistence. He could not in early communities readily quit the neighbourhood where he was brought up. The tremendous compulsion that could, according to primitive laws, be brought to bear upon him in case of necessity, led the small capitalist to accommodate even a pauper with money and goods to an extent which would otherwise have been ruinous to the lender. The

[1] *West*, 4, 5.

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laws made it generally ruinous to the debtor. The creditor practically had the person of his debtor as a pledge for the debt,[1] and, enjoying this advantage, was legally relieved from all that care and circumspection which morality, if not self-interest, ought to have made him exercise. Thus a rigorous law of debtor and creditor was very soon perverted into a means whereby cunning, without any aid from a higher faculty, sucked out the vitals of improvident strength and productive capacity. The first rise to power and prosperity of Israel, Athens, and Rome were all accompanied by the same result, the enslavement of the peasant class. The conscience of each was shocked in its own characteristic way. To the prophets of Israel, this enslavement appeared to be a sin against God, to the Athenian populace as a wrong done to the individual, to the Roman people as a crime against the State, which required continuous drafts of hardy peasants to fill the army. The domestic history of these States is to a large extent the history of how they solved, or failed to solve, this great problem. In India it only attained formidable dimensions when political conditions were stable, and that was not so often as in the West.[2]

But the moneylender's victim was not in general a guileless one. By force or fraud he escaped the payment of his debts if he could. His sense of duty to his creditor was not more developed than the creditor's generosity towards him. But the creditor, endowed with an hereditary astuteness well cultivated by his experience of the world, was far more than a match for his half-savage debtor. The latter brought fully under the yoke, could but writhe, and shuffle, and escape as much toil as his master allowed him to. As it was uncertain how far he would himself be benefited by his labours, he did as little work as possible, wasting much time in sheer evasions. If he were stripped of his land or his implements he could not work, and so he would have to be maintained by the other members of the community. The sight of many men in this condition produced amongst their fellows an intense hatred of their creditors. It became a thing to glory in, almost a point of honour, to cheat and injure the odious class as far as might be. In the West this hatred took a political form. In early

[1] Cf. Matthew, xviii. 25.

[2] *West*, 7; *Warde Fowler*, 195; *Oman*, 107-8; Livy, II, 23; *Merivale*, 37; *Laistner*, xii.; *Robertson Smith*, 88.

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Athens, where bankrupt debtors were dragged in chains to be exposed to the slave-markets of Lydia or Egypt, Solon attempted to solve the question by a compromise with the money-lending oligarchy; but it was reserved for Peisistratus (the so-called tyrant) to confiscate the large estates and distribute them in small holdings to the cultivators. He was successful, but Agis, the hero king of Sparta, who proposed to reinvigorate the declining State by cancelling all debts, and dividing up all lands into equal portions among the citizens, fell a victim to the cupidity of the oligarchs; and with him fell Sparta. In Rome the Gracchi and Julius Cæsar fell as martyrs in the same cause. In the early Punjab, political feeling was confined to the village, where the problem was simpler. An unreasonable money-lender was liable to disappear in a foray or be knocked on the head by an outraged peasant, and the king or the council of elders would not often interfere. As a result money-lenders tended to be reasonable and the problem was thus prevented from becoming acute.[1]

Land not liable in satisfaction of debts.

But even under the most tyrannical laws the creditor had no claim on his debtors' land. Land could only be sold with the consent of the owner, just as in the *bonorum emtio* of the Roman law a true transfer of the *dominium* was held impossible without the consent of the owner; and the precepts of Lycurgus forbad the alienation of the land of Spartan citizens. In India the creditor might practise upon the superstitious fears of his debtor by sitting in *dhurna*[2] at his door; might (somewhat after the Roman fashion) drag him before the public assembly, and then put him into confinement and make him work. But violence seems to have been regarded as inappropriate except in the case of clearly dishonest debtors. To all others the Hindu law was singularly lenient. A respectable man was to be released on his promise, confirmed by an oath, that he would pay when he could; and for this purpose even a Sudra[3] might be respectable. If a debtor were prevented by any calamity from paying punctually, he was to be constrained to pay only by small instalments as his means enabled him.

[1] *West*, 8; *Oman*, 108; Livy, II, 23; Plutarch, *Agis*. *Woodrow Wilson*, 127; *Laistner*, xiv, xv.

[2] i.e. starving himself at the debtor's door so that the debtor would be responsible for his death. As the money-lender was generally of high caste, the debtor's responsibility would be a serious one.

[3] p. 60.

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The proceeding to be adopted in the case of a very indigent debtor was one that contrasts strangely with British ideas. A further sum was taken from the creditor and advanced to the debtor, who from the gains he was thus enabled to make, must pay both the old debt and the new. In no case could a debtor's land be attached. An extraordinary degree of efficacy was attached to dunning, in its various forms. The faith that is reposed in it is even now remarkably great. It was in reliance on this, that such a vast quantity of money in India was, and still is, continually lent out on personal security, which in any other country would be absolutely worthless. The debtor, subjected to this process, did not grow exasperated and contumacious. He accepted it as part of his fate, and little by little usually paid up both principal and interest.

8. Early Commerce

The subjects of Oriental traffic were splendid and trifling.
Gibbon, II.

Within the village and to a certain extent also within the clan, there was little or no buying and selling, and not much even of formal and explicit barter. Even amongst modern Europeans, imbued with the competitive spirit, it is not considered creditable to drive a hard bargain with a near relative or friend, and in early times all fellow-clansmen were near relatives and friends, whose business dealings were not based on modern commercial principles. Villages were to a large extent self-sufficing in the matter of clothes as well as of food and other requisites. There were generally a few village weavers who in return for a share of the grain at harvest would weave the cotton into the garments described by Alexander's admiral Nearchus as "a shirt which reached to the middle of the leg, a sheet folded about the shoulders, and a turban rolled round the head".[1] Most cultivators would themselves grow the grain and cotton required for their food and clothes, the surplus produce constituting the King's share and that of the joint landlord body, out of which a maintenance would be reserved for the

Early trade.

[1] *Cotton*, 15. The clothing here described is similar to that of old-fashioned Indians of the present day.

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village servants, and last but not least the village money-lender, whose business was mostly transacted in terms of grain.[1] Even if prices were charged they were customary and not competitive, and when economic causes rendered a change necessary the village dealer tended to change the quality rather than the price of his goods.[2] But even so the hold of custom was limited. Communications were poor and the means of storing grain primitive. A succession of poor harvests meant certain famine, and with it a temporary breakdown of the sway of custom; a condition which also ensued when the population was decimated by plague, flood, or any other calamity.[3] But the hard clear-cut lines of that definite bargaining, which so largely fashioned human life for good or for evil, came to the front when strangers sought for the satisfaction of their own wants and the disposal of their superfluities. Trade proper, and especially trade organised by a distinct class of traders and merchants, arose first out of the relations between groups of men, clans, or other rudimentary economic nations. It was international trade rather than domestic trade: Hermes was the god of money, trade and theft; of hospitalities and embassies. Certain tribes or places would specialise in the production of certain articles, which visitors abroad found useful gifts to propitiate the rulers of the new country.[4] Gifts were returned in exchange and gradually these transactions took a more commercial form. Caravans carried spices and flavours, of which a small quantity satisfies a strongly felt need. And, what was much more important, they carried the best products of the subtle hereditary skill, which had grown up here and there among the more advanced peoples. These products, slight as their bulk was, served as an educating influence wherever they went; they stimulated the mind in the same way as the aroma and splendour of the choice natural products which they accompanied did the senses. All routes, however long and difficult, were open to the delicate and refined textile goods and embroideries, to the trusty steel and well-wrought weapons which from the earliest times formed an article of

[1] *Moreland*, 105.

[2] *Marshall*, 681; *Maine*, 190-1, 195-7.

[3] *Marshall*, 681, 797; *Maine*, 190-1, 195-7.

[4] So the Magi brought gifts on their visit to the King of the Jews (Matthew, ii. 11). The custom survives in India to-day.

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Indian export ; and to various forms of work even in common metals, which contained more poetry than metal.[1] It was in the technique of individual craftsmen rather than in the application of science to production on a large scale that India excelled. The Greeks commented on the cleverness of the Punjab craftsmen, but they also noted the primitive methods employed in mining and smelting the gold, silver and iron of the country.[2]

Trade Routes between Europe and India.

The chief long distance trade of early times was that between southern Europe and western Asia ; all of which was forced to go part of the way by land. But most of it made much the larger half of its journey by sea. For a long while the route by the Persian Gulf was the easiest and most secure ; and its advantages contributed much to the trade of ancient Phœnicia and Greece. In the earliest times the Phœnicians controlled this trade from the Bahrein islands in the Persian Gulf, later they moved to a more commanding position on the Mediterranean.[3] By this route steel products, rice, sandal wood, ivory, apes and peacocks[4] went to Europe in exchange for the precious metals which were always an object of demand in India. But with the opening up of communications which followed on the development of the Assyrian and Persian Empires, a new importance was given to the old route between Europe and Asia, which had been followed by the early Aryans. This route followed the southern coasts of the Black and Caspian Seas and then went via Teheran, Mashad and Herat to Bactria, whence it branched north-east to China and south over the Hindu Kush to Kabul and thence to India.[5] But this trade between Europe and Asia was diverted by Alexander to the great port in the north of Egypt called after his name ;[6] Parthian and Scythian irruptions rendered the old land routes unsafe,[7] and from that time the Red Sea became the chief highway between Europe and India. The Roman Emperors spared no pains to monopolise the commercial navigation of the Red Sea ; and their jealousy of the merchants of Palmyra, who were endeavouring to revive the Persian Gulf route, is

[1] *Marshall*, 682-3. [2] *Cambridge*, 137, 418.
[3] Tyre was founded 2756 B.C. according to Herodotus.
[4] cf. 1 Kings, x. 22.
[5] p. 32 ; *Cambridge*, 20, 516-7, 542-3 ; *Moreland Akbar*, 219.
[6] Alexandria. [7] *Cambridge*, 516.

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said to have been one reason why they destroyed that flourishing city. The discovery by Hippalus (A.D. 47) of the possibility of using the regular monsoon winds gave a great impetus to trade by this route; India exporting spices, muslin and other cotton goods as well as precious stones, in exchange for metals, precious or otherwise, coral and cloth. The political disorganisation of the countries which formed the old Persian Empire contributed to the same result, and the meeting place between East and West was transferred from the Punjab to the Malabar coast, whither, it is said, Christianity was first brought by St. Thomas.[1] The main trade route between India and China went via Kabul and Bactria, but a shorter, though more difficult, route passed through the Punjab, Kashmir, Tibet and Tartary. The trade on this route was much less important, being confined to the export of such musk, china wood, rhubarb, jade, crystal and Tibetan wool as would bear the cost of carriage.[2]

Punjab internal trade.

In India, however, the cheapest commercial arteries were the rivers, which connected the Punjab with the great through trade routes via the Indus. On these plied large flat-bottomed rowing boats carrying large square sails affixed to one mast.[3] In the monsoon such traffic was particularly easy as the heavily laden boats sailed up the river with the monsoon directly behind them,[4] and returned when the river flowed at its fastest swollen with the melting snows of the Himalayas.[5] The importance of this trade as a means of connecting his empire together was recognised by Alexander in his abortive attempt to found a port at the mouth of the Indus.[6] The value of the rivers as commercial arteries would have been greater if, like the rivers of the Ganges basin, they had followed the line of the main highway into India parallel to the Himalayas. The main trade route from Central Asia entered the Punjab down the valley of the Kabul river.[7] It then traversed the rich and flourishing submontane tract[8] cutting all the Five Rivers at

[1] *Jenks*, 62-3; *Holdich*, 55-7; *Gibbon*, ii; Economic Journal (History Series), Jan., 1926; *Lyall*, I. i.; *P.A.R.*, 274.

[2] *P.A.R.*, 277.

[3] These may still be seen on the Indus and are probably the most primitive type of large commercial boat, from which developed the early trading ships of Phœnicians and Greeks.

[4] p. 3. [5] p. 9. [6] p. 45.

[7] pp. 6-7, 81. [8] p. 7.

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right angles till it entered the Jumna Valley, which it followed to the site of modern Delhi. Avoiding the thick submontane jungle the road yet lay sufficiently near to the Himalayas for the country to be fertile. The rivers were crossed at points where they were comparatively narrow and where firm banks enabled bridges of boats to be made in the winter when the stream was at its lowest level. The great trade route from the West had two other important entries into the Punjab from Ghazi and Kandahar respectively, which crossed the Indus lower down at points now marked by Dera Ismail[1] and Dera Ghazi Khan. These met at Harappa on the Ravi whence, after crossing the Sutlej, they followed the line of the Ghaggar[2] till it joined the main route near Thanesar.[3]

Where the royal power was strong, there roads would be maintained in some sort of order and would be fairly safe for travelling merchants: and the outline of the modern Grand Trunk Road was sketched out in Chandragupta Maurya's Royal Road from Peshawar to Patna. Though the roads were unmetalled and unbridged the hard soil was good going and rivers were crossed by bridges of boats.[4] During the monsoon, however, the roads became boggy and the bridges of boats impracticable. In this latter season Hindu armies suspended operations, a fact of which Alexander was not slow to take advantage. Where the going was good, wheeled traffic was possible; the *ekka*, or light carriage drawn by a single pony, still so much used in Northern India, is a very ancient conveyance. But goods were mainly carried on pack animals of which the horse, the camel, and the ass[5] were the most important, the elephant being only used by the wealthy and being considered specially appropriate to the service of royalty.[6]

[1] Through the Gomal pass. See p. 7.

[2] See p. 10, note 10; *Belloc*, 35-7; *Warfare in England*, 25-6, 32; *P.A.R.*, 275-7.

[3] The ancient Kurukshetra.

[4] *Cambridge*, 214, 475, 517.

[5] The ass is now looked on with contempt, and is restricted to the humblest services for potters and workmen. To use it lowers a man's caste. But in early times it was the sign of civil power, as contrasted with the horse, the sign of military power. Christ's entry into Jerusalem on an ass was generally regarded as a definite bid for civil rulership.

[6] *Marshall*, 683-4; *Smith*, 135.

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Ancient Punjab cities.

As commerce grew, certain places developed facilities for the exchange of goods. Such markets were both protected and taxed by the State, which derived a considerable portion of its revenue therefrom. Cattle and grain were there sold or exchanged for industrial products at rates fixed by competition and not, as in the villages, mainly by custom. The best position for such a market would be at the points where the trade routes intersected; i.e., in the Punjab where the roads crossed the rivers. Such points were Jhelum (founded by Alexander the Great), Lahore and Thanesar on the Grand Trunk Road, where it crossed the Jhelum, Ravi and Saraswati rivers respectively; as also Jullundur and Sirhind where smaller streams were crossed.[1] Another route nearer the hills was followed by Alexander for some way after crossing the Jhelum. It crossed the Chenab near Sialkot and a smaller stream[2] at Pathankot whence it went up the Kangra Valley. Similar points marked the more southerly trade routes which crossed the Indus at Dera Ismail Khan[3] and Dera Ghazi Khan,[3] and the Chenab at Shorkot and Multan. The northerly route then crossed the Ravi at Harappa and Talamba, where it joined the Multan route and crossed the Sutlej at Pakpattan and then followed the Saraswati from Sirsa to Thanesar. A less important entrance to the Punjab through the Kurram Valley (half way between the Khaibar and Gomal passes)[4] crossed the Indus at Kafir Kot, whence it proceeded to Lahore crossing the Chenab at Chiniot. These bridge-heads had a military as well as a commercial value; and a few sites seem to have been originally determined by military considerations alone. Such were Taxila[5] on the Grand Trunk Road between the Indus and Jhelum, and Sangla on the Kafir Kot road between Chiniot and Lahore. Both lent themselves to easy fortification. Many of these sites were also hallowed by sacred festivals,[6] round which markets grew up which received protection from religious sentiment and authority in very early times.[7]

The sites of many of these towns may have been originally due to their being selected for his camp by some local king.

[1] The Kali Vehi and Choya. [2] The Chakki.
[3] The names are later, but the sites are old.
[4] p. 7. [5] p. 43.
[6] As also Tosham between Sirsa and Delhi.
[7] *P.A.R.*, 276, 467-9. *Marshall*, 689.

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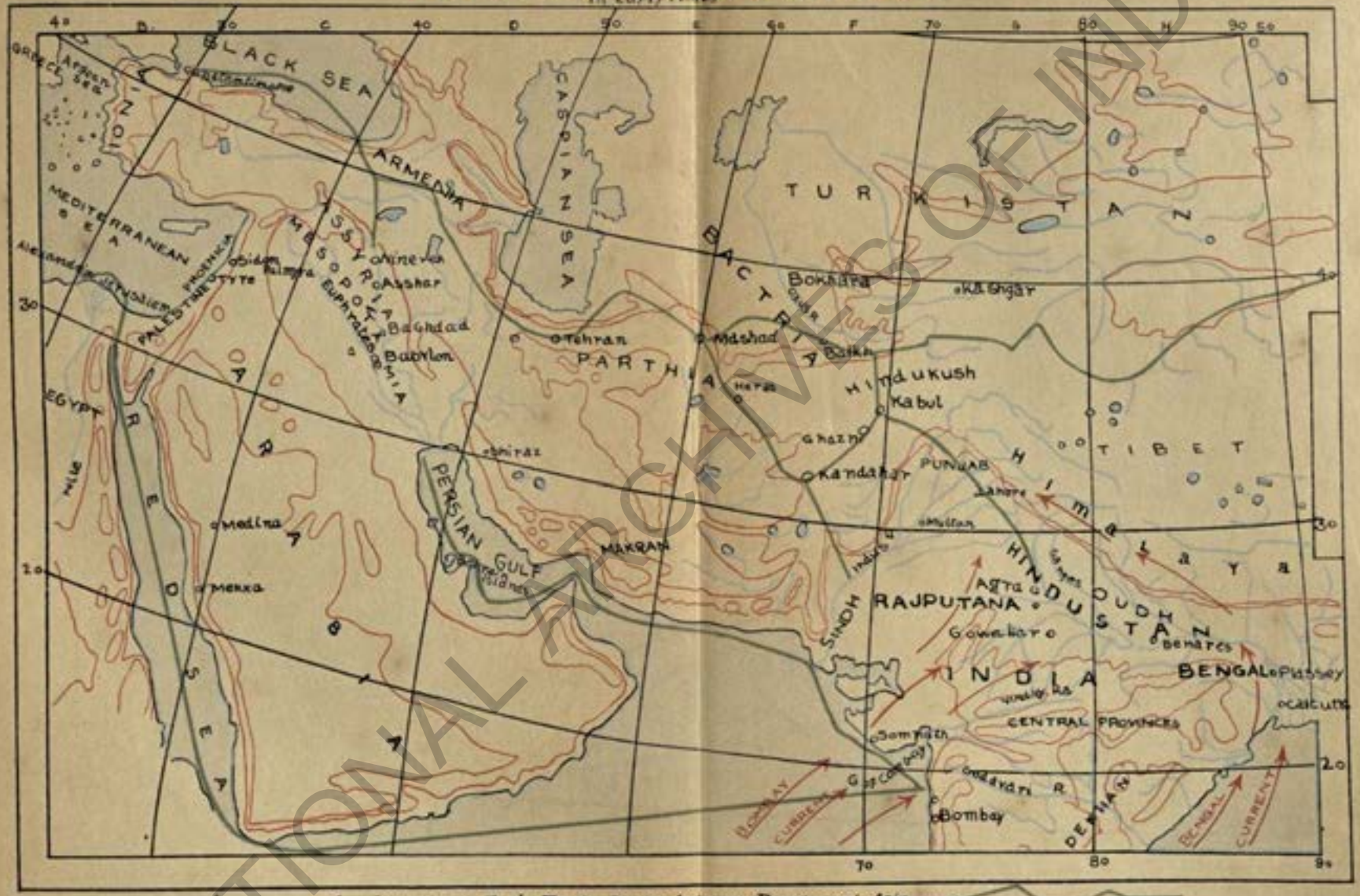
SOUTH WESTERN ASIA

In early times



1.- Important Early Trade Routes between Europe and Asia.....

2.- Prevailing winds in the South-west Monsoon.....

Contour lines

6000 } ft above
1200 } Sea level

1.- Important rivers e.g. the Indus and Ganges and their tributaries, the Euphrates, Tigris, Nile and Oxus also constituted trade routes. These trade routes were also the only practical routes for large armies. This explains Alexander's circular tour via Herat, Kandahar, Kabul and Balkh before entering India. When he left the well-worn routes, as he did on his return, he got into difficulties.

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The real capital of an oriental despotism is the seat of the despot's court for the time being. To supply the requirements of his retinue and army a number of industries would grow up, many of the earliest industrialists being themselves slaves captured in war and spared by the king on account of their skill at handicraft. Slavery in early India was a mild affair at worst. The household slaves resembled the tiresome fellows who form the stock buffoons of the comedies of Terence or Plautus; and the worse form of Roman slavery—the gangs of chained convicts engaged in mines or plantations—was not prevalent in India.[1] The relatively large population thus collected in towns had to be fed by the surrounding country, the primitive communications of the period putting a limit to the area from which supplies could be profitably obtained. These conditions rendered more intensive cultivation necessary in the neighbourhood, and the ordinary village land tenures[2] were superseded, the land being given to those cultivators who could pay the highest rent in kind. But this system would break down under a series of bad harvests; famine and disease would ensue, and the town become deserted, sometimes for ever. The Scythian invasions led to similar results; and a Chinese traveller who traversed the Punjab shortly after the Hun invasions[3] commented on the ruined cities and villages which everywhere met his eyes. Such ruins are still to be found throughout the Province, and are largely exploited by the Railway for brick ballast.[4] Few recognisable buildings are found, however, the larger edifices having been originally constructed of timber for the most part, brick being merely used for foundations and plinths.[5]

Growth of the habit of hoarding.

In villages payments were generally made in grain, but such grain would be rapidly consumed, and for the purchase of expensive industrial products cattle would be taken to market. Cattle therefore formed an early medium of exchange,[6] and to a certain extent a measure of value. Both functions were better performed

[1] *Cambridge*, 205. [2] p. 22.

[3] Yuan Chwang, 629-645 A.D.

[4] There seems to be no check on this vandalism.

[5] *Agr. Practice*, 25-6; *Smith*, 136, 293; *Wells*, 405-6; XX. 2; *Jenks*, 64.

[6] A relic of this period still survives in our terms peculation, pecuniary, from Latin *pecus*, a head of cattle, as also in the words chattels, capital.

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by the precious metals, silver and gold, which were both mined in India and also imported, and were coined into money at least as early as the time of the Mauryas. To stimulate the European trade the Kushans introduced a gold coinage agreeing in weight with, and not much inferior in purity to, the Roman *aurei*, which the Red Sea trade had begun to pour into India. Amidst the unstable conditions that prevailed the only permanent form of wealth appeared to be gold and silver, and the advantage of a store of ready cash available for war or any other emergency was early appreciated by oriental kings. These hoards were concentrated in the temples and the Courts, and while religious institutions appear to have steadily added to their possessions, each ruler endeavoured to abstain from touching his predecessor's hoards and to accumulate a new one for himself. This amassing of treasure was regarded as a glorious distinction and it was considered disgraceful for a ruler to spend what his predecessors had collected. In this as in so many other cases a useful economic practice became an obsession and ultimately served to defeat the very objects for which it was originally intended. The life blood of the State which might have nourished a vigorous and warlike population was drained to supply these useless hoards which only acted as magnets to the cupidity of foreign invaders.[1]

8. The Great Punjab Tribes

The Indian fighting races—the men that count.
O'Dwyer, 412.

Characteristics of the Scythian tribes.

For over a thousand years[2] the Punjab had been subjected to successive invasions from Central Asia of nomad races which may be conveniently classed together under the term Scythian.[3] These tribes came in sufficient force to occupy large areas, and to form, by multiplication in course of time, a complete network of villages. These conquering tribesmen left to their descendants their joint claim to their several

[1] *Smith*, 100, 141, 256; *Gibbon*, I; Chambers' Encyclopedia, articles on Money and Metallurgy; *Agr. Practice*, 26-7; *Jenks*, 63; Economic Journal (History), I, 10.

[2] i.e., roughly from B.C. 600 to A.D. 600.

[3] pp. 40, 51, 53.

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locations, which spread not only by clan and tribal conquest, but by the multiplication of single adventurous individuals or of families (comprising a father and sons or two or more brothers or cousins) who, pressed for land, or in a mere desire for change, wandered off from their original homes. They retained in its entirety the tribal system with its joint ownership of the village, and its committee of elders.[1] On them Brahminical Hinduism sat very lightly. They allowed widow re-marriage and followed their own tribal custom in matters of inheritance and the like without regard to codified Hindu law or even to the dictates of the Brahmins.[2] One of these tribes, a high spirited clannish race, who entered by the Gumal Pass and spread northwards towards the Salt range, eventually took the name of Awans.[3] The remainder were classified according to their occupation. Those Scythians, who retained their pastoral habits longest and for a long time continued to feed their cattle in the great prairies and jungle area of the inter-riverain uplands[4] and the submontane areas,[5] acquired or retained the name of Gujar,[6] the pastoral tribes of the south-east being called Ahirs. But the great mass of the tribes who took more readily to agriculture were called Jats, a name which may possibly be identified with the Latin Getæ or Goths.[7] The buffets of fortune, paucity of numbers, and the want of able leaders in troubled times evilly affected the tribal character of the Gujars, who were generally regarded as indolent, thriftless, turbulent and poor-spirited, except in the central submontane area round Gujrat, where they managed to maintain a dominant position. But the Jat was *par excellence* the peasant of the Punjab. With the succeeding generations he grew more and more absorbed in agriculture, and lost the wild freedom which had marked his Scythian ancestors. Agriculture made him an individualist, impatient of tribal control, except where tribal ties helped him in his

[1] Described in pp. 22-5.

[2] *Baden-Powell*, 97-8, 101, 216, 242, 407; *L.S.B.I.*, vol. II, 611, 666; *Ibbetson*, 421; *Holderness*, 97-8.

[3] *Ibbetson*, 465; *Thorburn, M.M.*, 29-30. [4] p. 9. [5] p. 7.

[6] Possibly derived from the Yuchi, another name for the Kushans (p. 51), which afterwards became a generic appellation for all Scythians who retained their pastoral habits (*Ibbetson*, 480; *Smith*, 321; *Marsden*, 214).

[7] *Ibbetson*, 421, 481; *Smith*, 411; *Baden-Powell*, 216; *L.S.B.I.*, vol. I, 141.

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quarrels with others. As a rule he did what seemed right in his own eyes, and sometimes what seemed wrong also, and would not be said nay by any man. Far from turbulent, he was nevertheless independent and self-willed; but reasonable, peaceably inclined if left alone, and not difficult to manage. He was usually content to cultivate his fields and pay his revenue in peace and quietness if his rulers would let him do so; but when he did go wrong, he "took to anything, from gambling to murder, with perhaps a preference for stealing other people's wives and cattle".[1]

The Rajputs. But amidst and above these tribal organisations, kingdoms rose and fell,[2] and with their rise created a new royal class, consisting of the relations and immediate *entourage* of the king, whose pride in their royal origin would survive long after the fall of the kingdom.[3] For the earlier Aryan royal groups the Brahmins traced genealogies from the Sun or Moon.[4] Scythian monarchs were at first kept outside the pale of the Rajputs,[5] as this royal caste was called; but ultimately they became too powerful to be thus ignored, and by a convenient fiction were admitted into the Hindu fold after a ceremonial denoting baptism by fire.[6] Such clans grew and decayed. Many of them disappeared, but the survivors became the ancestors of the Rajputs of to-day, who are essentially an occupational group, composed of all clans following the Hindu ritual who actually undertook the work of government. People of the most diverse races were (and are) lumped together as Rajputs, and most of the great clans now in existence are descended from foreign immigrants of the fifth and sixth centuries A.D. These Rajput clans at all times permitted alliances, if not regular marriages, with women of other races; and the families resulting sometimes formed separate castes.[7] The exact connotation of the term Rajput depended a good deal on the local social atmosphere.

[1] *Ibbetson*, 424, 480-1; *Baden-Powell*, 99, 276, 278; *L.S.B.I.*, vol. II, 614; *Thorburn, M.M.*, 24-5, 30-1

[2] pp. 34-9.

[3] cf. the pride of those Jews who could trace their descent from David (Matthew, i.; Luke, iii.).

[4] p. 34.

[5] i.e., sons of kings (*raja* king, and *putra* son).

[6] Hence the Scythian clans were called *Agni-Kula*, Fireborn, as distinguished from the older Solar and Lunar class.

[7] *Smith*, 322, 407-10, 412-15; *Ibbetson*, 441; *Baden-Powell*, 87, 129, 187-8, 202.

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In the Punjab proper,[1] where the Scythian tribal system predominated, the term Rajput was hardly more than an honorific title for a higher grade Jat. In the western Punjab beyond the Jhelum the politically predominant clans generally called themselves Rajputs. But in the Jumna valley and the Kangra hills the influence of Brahminical Hinduism was greater, and the Rajput adopted many of the rites and ceremonies of high-caste Hinduism.[2] He had to marry a Rajput woman, but one outside his own clan. As a Rajput clan might number a hundred thousand persons the circle of prohibited degrees might be very large. But though theoretically he might seek a wife from any Rajput clan except his own, in practice he could not get a wife from a clan of higher social precedence than his own. Otherwise that clan would lose in social esteem. This system of "hypergamy" or marrying up was inspired by Manu's[3] invectives against marriages of women with men of lower degree. It was a very inconvenient custom, and was largely responsible for the existence of the barbarous practice of female infanticide. The higher the clan, the greater was the clansman's difficulty in finding a husband for his daughter; and as an unmarried daughter was a disgrace to the house, the punctilious Rajput made away with baby daughters. Moreover, widow re-marriage, eating with a non-Rajput, drinking water except from certain castes, touching a plough, or engaging in any menial occupation, all entailed loss of caste. In many ways the Rajputs bore a strong resemblance to the Highlanders of Scotland. They had the same reckless daring, the same devoted loyalty to the chief to whom they were bound by the ties of their clan, the same love of sport, the same readiness to take offence and quarrel among themselves when they could find no other enemy to give them employment, a weakness which ruined them as it ruined the Highlanders. Their women held a very different position from other women in India; queens and princesses went in and out freely among the men, sharing their sports and exercises and even riding with them to battle, until they learned from the Mohammadans the custom of shutting up the women behind the curtain.[4]

[1] p. 8. [2] p. 62. [3] p. 64.

[4] *Ibbetson*, 442, 456; *Baden-Powell*, 273; *Holderness*, 48, 94-7; *Festing*, 29-30.

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Rajput kingdoms on the old Hindu lines[1] predominated in India from the Ganges valley to the Gulf of Cambay[2] towards the end of the first millennium A.D. The Rajput clans were continually on the move, and many came into the Punjab from the south and east. But the instability of their rule over the manly tribes of the Central Punjab is illustrated by the story of Har Pal of Harappa, who was in the habit of claiming the sovereign's rights at every bridal. At last, in the exercise of this royal privilege, he committed incest with a near relative, some say his own sister, others his wife's sister, or his wife's sister's daughter. The girl prayed to heaven for vengeance, and then the city of Harappa was instantly destroyed. The sword of divine venegance was wielded by a Muhammadan invader,[3] who had come, probably on local invitation, in advance of the main wave of Muhammadan conquest. But the event, though ominous, led to no immediate result. For about four hundred years India remained free from any serious outside invader. Then, if ever, was the opportunity to build a strong national Hindu political organisation. But the opportunity was thrown away. Fighting became more and more the concern of the military Rajput caste, and less and less that of the ordinary peasant. And this fighting became more a manly form of sport, according to rules laid down by the Brahmins, than a fight to the death between deadly foes. Consequently the Rajput clans were in a somewhat similar position to the Free Companies of mediæval Italy, whose methods of warfare were only effective against each other and against the populace as a whole, and who collapsed immediately when an outside invader appeared on the scene. The Rajputs had, as they still have, the virtues and the weaknesses of clansmen. They were brave and chivalrous; devoted to their clan and chief, but beyond their chief their loyalty did not go. The chiefs might temporarily combine against an external enemy; but their family pride and jealous temper made permanent union impossible. And when the time of respite came to an end with the Muhammadan invasion, the Hindu monarchy and the Hindu religion were tested more crucially than ever before.[4]

The Rajput era. 600-1000 A.D.

[1] pp. 34-9.

[2] i.e., the area now covered by the United Provinces, Rajputana, and the adjacent parts of Bombay and Central India.

[3] Muhammad-bin-Kasim, A.D. 713.

[4] *Smith*, 357; *L.S.B.I.*, vol. II, 687-8; *Holderness*, 48; *P.A.R.*, 469; *Smith India*, 182.

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CHAPTER III

THE SWORD OF ISLAM

1. The Triumph of the Crescent

Islam owed nothing to the ancient and traditional world of Asia, with its immemorial etiquette, and its bottomless or bewildering philosophies. All that ancient and actual Asia felt the entrance of Islam as something foreign and western and warlike, piercing it like a spear.

CHESTERTON : *The Everlasting Man.*

THE history of the Punjab is the history of its reaction to two opposite influences. Geographically a part of India, it is ethnologically nearer allied to Central Asia. A hot weather even more exhausting than that of the rest of India, is compensated for by the bracing winter climate which reminded the nomad invaders from the north of their own steppes. The Punjab had to bear the full brunt of these invasions, which repeatedly re-peopled it with new vigorous stocks. But though the majority of the Aryan invaders settled in the Punjab, the institutions which are generally associated with them—the Hindu kingship with its Brahmin advisers—developed in the Ganges valley to the east; and their influence over the Punjab was far less than over the rest of India. This separation of the Punjab from the Hinduism of the rest of India was accentuated by further nomad invasions and by the growth of Buddhism. But with the decay of Buddhism a new and more popular, though less elevated, form of Hinduism arose, with the caste system and ritual rules which have characterised it ever since. But in the Punjab tribal feeling remained strong, with its joint ownership of the village, its respect for military prowess rather than ceremonial sanctity, and its customary law which owed more to primitive nomad morality than to Brahmin innovation. Nor did the quasi-feudal Rajput kingdoms spread much into the Land of the Five Rivers, which remained

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for the most part under tribal government during the critical years between 600 and 1000 A.D.[1] Meanwhile in the West the successors of Alexander[2] had succumbed to Roman military discipline and Roman law, which had given stability to the artistic and philosophical propensities of the Greeks. With the raising of the moral standard by the spread of the sublime ethical ideals of Christianity, the three essential elements had been contributed to a distinctive Western civilisation. But, in the eastern half of the Roman Empire, Christianity, demoralised by the spirit of the old heliolithic civilisation[3] whose influences still prevailed in Asia and Africa,[4] was gradually overloaded by accretions similar to those which had ruined Buddhism. A similar fate had befallen the Zoroastrianism of the revived Persian Empire. In both these empires the people were politically apathetic, robbed, oppressed, bullied, uneducated and unorganised under selfish and unsound governments out of touch with any people at all.[5] On the confines of these empires lay Arabia, a vast nomad breeding ground, which had throughout history stood to Syria and Mesopotamia in much the same relation that Central Asia did to India. Arab ideas on religion were at that time in a state of flux. Debased Christianity, still more debased Judaism, and primitive polytheism all jostled each other in the bazaars of Mecca and Medina. Into this welter of creeds came the message of Muhammad, with a simple moral code and religious dogma similar to that of the early Hebrew prophets, but purged of their exclusive nationalism. All believers were to be equal. There were to be no priests[6] or religious orders, and no caste system. Ritual was simple and mainly devoted to a practical end, the welding together of believers in a military brotherhood. The five daily prayers constituted a drill, and the fasting month[7] a test of endurance and an education therein. The amount of time and effort to be given daily and yearly to religious and military exercises rendered every Muhammadan both a warrior and a priest. A few simple

[1] See Chapters I and II. [2] p. 45.

[3] pp. 30-1. [4] See *Wells*, 375.

[5] This applies to Byzantine rule over Syria and Egypt. In Greece and Asia Minor the Byzantine Empire (Eastern Roman in name but Greek in language and ideas) was more in touch with the people.

[6] The Muhammadan *maulvi* is not a priest, but a preacher. The *qazi* is a doctor (or expounder) of the law.

[7] Ramazan.

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prohibitions were added to the ordinary moral laws. Wine might not be consumed, nor might the flesh of animals, such as the swine, which Semitic tradition regarded as unclean. The lives and property of Muhammadans were to be inviolable till the end of time, and a testament was not lawful to the prejudice of heirs. The adulterer was to be stoned.[1] In a hundred and twenty-five years[2] the vigorous impulse of the new faith had carried the Arab idea and the Arabic scriptures from the Indus to the Atlantic and Spain and from Kashgar on the borders of China to Upper Egypt. In the wake of the Arab warrior came the slave owner and merchant. New overland trade routes through Afghanistan were opened up by the Arab traders and explorers, who occupied the Indus valley and thus re-opened the old sea route via the Persian Gulf.[3] But before India could be effectively invaded, worldliness, luxury, and internal dissensions, combined with the old trading and plundering spirit, had completely recovered their paralysing sway over the Arab intelligence and will. The Arabs had overrun the parts of Central Asia whence invaders came into India, yet had not invaded India itself. Thus for four hundred years India was free from effective invasion.[4] The false sense of security thus generated in India may be compared to that which the destruction of Syria by Assyria gave to the kingdom of Israel. The Israelites and the Hindus saw only the destruction of the immediate enemy, and not the more formidable foe looming behind.

Early Muhammadan raids into India.

The first Arab contact with India lay through Sind, and here the uninviting desert proved a more effective barrier to invasion than the Hindu armies. But gradually the tenets of Islam spread through the mingled races who inhabited the hill country now known as Afghanistan. On these mountaineers the hoards of money accumulated in Hindu temples and palaces[5] acted like a magnet, and to their cupidity was added religious zeal. To a modern generation which regards the gods of Paganism merely as material for artistic, sociological or archæological

[1] *Wells*, 418-21; *Margoliouth*, 76.

[2] Muhammadan's Hijrat from Mecca to Medina, 622 A.D. Massacre of the Omayyads by Abbas and commencement of decay, 749 A.D.

[3] *Margoliouth*, 25-6; *Wells*, 425-7; *Holdich*, 190-3, 226-7; p. 81.

[4] 600 to 1000 A.D. See p. 90. [5] p. 86.

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enquiry, the iconoclastic zeal of the Hebrew prophets, the early Christians, and the early Muhammadans may appear bigoted. But the history of Buddhism is sufficient proof, if proof is necessary, of the power of Paganism to seduce those who tried to compromise with it. The gods of Paganism were seldom moral, generally unmoral, and sometimes positively immoral, but to their followers they were dread realities. To the fervent Muhammadan it seemed a meritorious act to prove by ocular demonstration to their deluded worshippers that these gods were but silver and gold, the work of men's hands.[1] These early Muhammadan raiders saw before them a country paralysed for all effective combined effort. Except where the tribal system survived, the people had lost all military traditions. Fighting was confined to the warrior caste of the Rajputs, who were themselves hopelessly divided by quarrels over trivial personal matters. Nothing corresponding to the feudal system of contemporary Europe could unite them against an outside invader. "The Muhammadan invaders were superior to their Hindu opponents in fighting power, and so long as they remained uncorrupted by wealth and luxury they were practically invincible. The explanation of their success is not far to seek. They came from a cool climate in hilly regions, and were for the most part heavier and physically stronger than their opponents. Their freedom from the restrictions of caste rules concerning food, particularly exemplified in their flesh diet, tended to develop the kind of energy required by an invading force. Their fierce fanaticism, which regarded the destruction of millions of infidels as a service eminently pleasing to God, made them absolutely pitiless, and consequently far more terrifying than the ordinary enemies met with in India. While they employed every kind of frightfulness to terrify the Indians, they were themselves ordinarily saved from fear by their deep conviction that the slayer of an infidel,[2] if he should happen to be killed himself, went straight to all the joys of an easily intelligible paradise, winning at the same time undying fame as a martyr. The courage of the invaders was further stimulated by the consciousness that no retreat was open to them. They must either subdue utterly by sheer force the millions confronting their thousands or be completely destroyed. No middle course was available. The enormous wealth in gold, silver, and jewels,

[1] *Smith India*, 191-2. [2] *Ghazi*.

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not to mention more commonplace valuables, accumulated in the temples, palaces, and towns of India fired their imagination and offered the most splendid conceivable rewards for valour. The Hindu strategy and tactics were old-fashioned, based on ancient methods; and the unity of command on the Indian side was always more or less hampered by tribal, sectarian, and caste divisions."[1]

> We few, we happy few, we band of brothers,
> For he to-day that sheds his blood with me,
> Shall be my brother; be he ne'er so vile
> This day shall gentle his condition."[2]

Thus at Agincourt King Henry spurred on the English yeomen to victory; and a similar spirit inspired the Muhammadan armies. Valour and capacity could, and did, raise Muhammadan slaves into kings. But nothing availed the low caste Hindu, however capable or however valiant. His only hope of rising was by becoming a Muhammadan. Unity of command, together with the use of shock tactics, that is to say, well directed cavalry charges, enabled small bands of Muhammadans to face apparently overwhelming odds.[3] Elephants, on which Hindu tradition placed excessive reliance, proved to be useless, or worse than useless, when pitted against well-equipped, active cavalry.[4] The Hindu cavalry does not seem to have attained a high standard of efficiency in most parts of the country. Thus it happened that the Muhammadans, although insignificant in numbers when compared with the vast Indian population, usually secured easy victories, and were able to keep in subjection for centuries enormous multitudes of Hindus.[5]

Mahmud of Ghazni: Muhammadan conquest of the Punjab.

The expansion of the Muhammadan empire in Central Asia had brought the Tartar[6] races, and especially the Turks, into the fold of Islam. Starting as the janissaries of the now decadent

[1] *Smith India*, 257. [2] Shakespeare: *Henry V*, IV, 4.

[3] The method employed by Alexander over 1,300 years before (see p. 44).

[4] The Hindus might have learnt this from the history of Porus, Pyrrhus, Hannibal or Antiochus the Great, if they had ever condescended to study history.

[5] *Jenks*, 78-9; *Holderness*, 48; *Maine*, 124; *Smith*, 94-5, 388; *Smith India*, 189-90, 220, 257-8.

[6] The Tartars included (1) the Manchus, who conquered China, (2) the Mongols who conquered Central Asia, and (3) the Turks, who conquered the Byzantine Empire.

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Caliphs[1] of Baghdad, many of the more ambitious Turks aspired to carve out kingdoms for themselves. The son of one of these, Mahmud, a patron of learning and literature at home, fixed his headquarters at Ghazni, on the Kabul-Kandahar line, the natural strategic base for operations against India,[2] and thence made devastating raids into India every cold weather.[3] In spite of the valour of the Gakkhars,[4] Multan and Lahore were taken, the temples of Kangra and Thanesar plundered, and the Punjab permanently occupied, the headquarters of the conquered province being fixed at Lahore. One of Mahmud's raids reached as far as Somnath on the Arabian Sea, where was the temple of a celebrated deity whose worshippers threatened that "if the impious stranger should presume to approach their holy precincts, he would surely be overwhelmed by a blast of the divine vengeance. By this challenge the faith of Mahmud was animated to a personal trial of the strength of this Indian deity. Fifty thousand of his worshippers were pierced by the spear of the Muhammadans; the walls were scaled, the sanctuary was profaned, and the conqueror aimed a blow of his iron mace at the head of the idol. The trembling Brahmins are said to have offered ten millions sterling for his ransom; and it was urged by the wisest counsellors that the destruction of a stone image would not change the hearts of the Hindus, and that such a sum might be dedicated to the relief of the true believers. 'Your reasons', replied the Sultan, 'are specious and strong; but never in the eyes of posterity shall Mahmud appear as a merchant of idols.' He repeated his blows, and a treasure of pearls and rubies, concealed in the belly of the statue, explained in some degree the devout prodigality of the Brahmins. The fragments of the idol were distributed to Ghazni, Mecca, and Medina. Baghdad listened to the edifying tale, and Mahmud was saluted by the Caliph with the title of guardian of the fortune and faith of Muhammad."[5]

Muhammad Ghori: Muhammadan kingdom of Delhi.

The Muhammadan raiders traversed the Punjab on the lines of the old trade routes.[6] All these routes converged on the point, where the spurs of the Aravalli hills meet the Jumna,[7] and where

[1] Caliph, Arabic *Khalifa*, a successor of Muhammad, and therefore the spiritual and political head of Islam.
[2] p. 6. [3] First raid in 997 A.D. [4] p. 41.
[5] *Holderness*, 50-1; *Gibbon*, VII; *Douie*, 168-94.
[6] pp. 82-3. [7] p. 8.

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Delhi was founded by a Hindu king shortly before the Muhammadan invasion.[1] Situated thus at the central point where the main route from the Frontier joined the system of communications formed by the Ganges and Jumna, near the Afghan frontier but not too near, with stone from the Ridge available for building purposes, and well water near the surface, Delhi offered strategical advantages which were quickly appreciated by the Muhammadan invaders. To the north of Delhi lay the Belgium of India, the plain which was marked out by nature as the battle-field in which the invader from the north-west must meet the defenders of the basin of the Ganges. There lay the legendary ground of Kurukshetra, where the heroes of the *Mahabharata*[2] had fought before the dawn of history. Thirty miles further south lay Panipat, where were fought three decisive battles for imperial rule in India. In the same plain Muhammad Ghori, by his defeat of the Hindu king of Delhi[3] put an end to the period of Muhammadan raids and definitely established Muhammadan rule in India, with its centre at Delhi.[4]

The Pathans. Though themselves for the most part Turks, so many Pathans followed the standards of the early Delhi kings that they are often known themselves as the Pathan kings of Delhi. The Pathans themselves were a mixed race. The Afghan tribes traced their origin from the lost tribes of Israel who had been dumped by the Assyrians in the country to the east of their Empire;[5] and had created for themselves an eponymous ancestor,[6] Afghana, the son of Jeremiah, son of Saul, King of Israel. They adopted Islam betimes, and in company with the early Arab invaders overcame the descendants of the Aryan Pactyans[7] who had hitherto occupied that country and from whom the Pathans take their name. The Afghan conquerors impressed their religion and traditions on the Pathan nation, imparting to it the Biblical names[8] and customs, such as the Passover-like

[1] A.D. 993. [2] The ancient Hindu epic.
[3] A.D. 1192. [4] *Smith India*, 196, 218-19; *Cambridge*, 22-23.
[5] p. 40. [6] p. 14.
[7] The Pactyan (Pathan) tribes were the Gandhari (Kandahar), the Aparytoe (Afridi), the Satragyddae (Khatak), and the Dadicae (Dadi); see Herodotus.
[8] e.g., Daud (David), Musa (Moses), Isa (Jesus, Joshua), Ismail (Ishmael), Ibrahim (Abraham), Isak (Isaac), Ayyub (Job). These should be distinguished from the few Biblical names which have come through Islam.

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practice of sacrificing an animal and smearing the doorway with its blood in order to avert calamity, the offering up of sacrifices, the stoning to death of blasphemers, and the periodical redistribution of land.[1] Bloodthirsty, cruel, and vindictive in the highest degree, the Pathan was proverbial for faithlessness ;[2] and though not without courage of a sort and often curiously reckless of his life, he would scorn to face an enemy whom he could stab from behind, or to meet him on equal terms if it were possible to take advantage of him, however meanly. Leading a wild free active life in the rugged fastnesses of his mountains, he remained a bigot of the most fanatical type, exceedingly proud, and extraordinarily superstitious. His hair, plentifully oiled, hung long and straight to the shoulder over features often of a markedly Semitic type. Shod in sandals, his stalwart figure was clad in a loose tunic and baggy trousers, and in the winter with a sheepskin coat with its wool inside.[3] His national arm was the long heavy Afghan knife. The Pathan tribe had usually a chief,[4] the head of the eldest house of the eldest branch,[5] and each clan or minor clan had its head.[6] But the chief was seldom more than their leader in war, and their agent in dealing with others. He possessed rather influence than power, the real authority resting with the council of elders,[7] composed of all heads of clans. Primitive tribal conditions survived longer and more completely in the wild hills of the Frontier than in the Punjab plains.[8]

Pathan agricultural methods were conditioned by the locality. In the low hills furrowed by many torrent beds, which for the most part have water only during the short rainy season, there were well-established customs of sharing the water, by means of a system of channels and temporary dams, whereby the water was led on to certain groups of terraced fields. The customary rules provided that each dam must be removed after a certain number of hours ; or that it could only be raised to a certain height, so that when the flood reached that level the surplus water might pass on to the fields of another right-holder. Consequently the size of the

[1] *Ibbetson*, 392, 394-6.
[2] *Afghan be iman* is still a current proverb.
[3] *Postin*.
[4] *Khan*.
[5] *Khan-Khel*.
[6] *Malik*.
[7] *Jirga*.
[8] pp. 22-5 ; *Ibbetson*, 391 ; *Baden-Powell*, 245-6 ; *Thorburn, M.M.*, 20-2.

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Pathan village was largely determined by the number of fields which the available water supply could reach. The tribal custom of redistribution[1] was regularly observed. All the cultivated lands, and even the habitations, were thrown into the melting-pot once in a generation and redistributed among all the adult males, the tribal heads[2] receiving an extra share. Amongst other tribes the principle of division was by mouths,[3] " that is, an equal share for every mouth—man, woman, or child, even the child in the womb being taken into account. One result of this was that for a few years before the redistribution every man married all the wives he could purchase and there was an abnormal increase in the birth-rate ". The object of this redistribution was to prevent individuals from enriching themselves unduly at the expense of their weaker brethren, and thus to maintain the Pathan idea of democratic equality. But the system was fatal to all improvement. " No man would plant a tree on his land or improve his dwelling because, at the next redistribution, he would have to give up both his fields and his house."[4]

The " Pathan " kings of Delhi: 1200-1300 A.D.

With the victory of Muhammad Ghori,[5] Muhammadan predominance was permanently established in northern India, with Delhi as centre, where Turks and Afghans jostled each other for land, retainers, and power. There were constant rebellions and murders and the throne of Delhi frequently changed hands by force or fraud. Yet these stern and rugged " Pathan " kings left splendid memorials in the Qutb Minar and other " Pathan " architecture in Delhi and its neighbourhood. In these buildings Muhammadan designs were executed by Hindu masons imbued with the traditions of Hindu art, and using the materials of the Hindu temples which the conquerors had destroyed.[6]

Rajput clan movements.

The Muhammadan invasions drove a wedge through the Rajput principalities of the eastern Punjab. Some of the Rajput clans fled to the deserts of Rajputana in the south, others overcame the petty chiefs of the Himalayan districts and established themselves there.

[1] *vesh.* [2] *Malik.* [3] *khula vesh.*

[4] *Baden-Powell,* 66; *O'Dwyer,* 120-1.

[5] A.D. 1192. See p. 97.

[6] *Baden-Powell,* 218; *P.A.R.,* 470; *Holderness,* 51-2; *Smith India,* 223.

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A few adventurers came to terms with the invaders and obtained from them grants of land. The Sainis[1] trace their origin to a Rajput clan who came from their original home near Muttra on the Jumna, south of Delhi, in defence of the Hindus against the first Muhammadan invasions. A similar tradition derives the Arains[2] from a Hindu Rajput clan originating in Sirsa in the south Punjab.[3] But while the Rajputs were fought and destroyed as political enemies, the power of the Brahmins was overlooked; with the paradoxical result that Brahmin influence over Hindus was particularly strong in areas, such as the neighbourhood of Delhi, where the Muhammadan organisation was strongest and consequently Rajput rule was most impossible.[4]

The hill districts stretching from Kangra to Simla[5] had been originally occupied by the Tibeto-Burman tribe of Ghirths.[6] These were conquered at the time of the first Aryan invasion and had been since ruled over by petty Aryan chiefs.[7] But the isolated holdings of the hills were too scattered to combine for defence,[8] and the petty independent chiefs had no cohesion, and were easily overcome by the Rajput clan leaders who, driven by Muhammadan pressure, left the plains with small hardy troops of followers to establish local rulerships in the hills. In these areas the people lived in single homesteads, or very small groups of two or three families together in the narrow valley bottoms, or on the occasional patches of good soil on the hillside, where it was not too steep. The Rajput invaders claimed all the land as conquerors,[9] but they did not interfere with the existing holdings nor as a rule tax them much for rent. But the waste and the forest became the king's, a claim which was strictly enforced; and the king's officers arranged the scattered farms and hamlets into circles[10] for revenue collecting and other administrative purposes. The land was distributed by the Rajput kings amongst their followers, the previous owners becoming the tenants of the

[1] A Hindu agricultural tribe now mainly to be found in the eastern submontane districts of the Punjab.

[2] Both the Arains and Sainis are intensive cultivators, more market gardeners than agriculturists. But the Arains have since adopted Muhammadanism while the Sainis have remained Hindus.

[3] *Baden-Powell*, 121-2, 267, 273-4, 321; *Smith*, 390.

[4] *Ibbetson*, 348. [5] p. 5 note 2. [6] p. 30.

[7] *Rana*, to be distinguished from *raja*, king.

[8] p. 17. [9] p. 71. [10] *kothi, hakimi, maqdai*, etc.

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conquerors.[1] These Rajput kingdoms were very small, but they were often united in groups tributary to one which was stronger than its neighbours.[2] In these Rajput kingdoms the caste system survived on the lines which had obtained before the Muhammadan invasion. The Rajput conquerors and pure Brahmins headed the list. Below these ranked the allies of the invaders, the mixed classes of followers who had come in with them, and the primitive Aryan chiefs. Below these again ranked the aboriginal Ghirths. But the Rajput clans permitted alliances, if not regular marriages, with women of other races; and the families resulting sometimes formed separate castes. Again pure Rajputs might sink in the social scale by taking to the plough, marrying widows, or taking money for the marriage of their daughters. In this way the mixed classes of Rathis, Thakurs, and Kanets were formed, all with a fine physique and claiming a Rajput origin but none of them reckoned as pure Rajputs. The Rajput king was always considered the ultimate fountain of all honour and his classification, made probably at the counsel of his religious advisers, was held binding on the brotherhood. Even in the case of Brahmins the king's classification was accepted, and it lay with him to raise or depress a particular class, and to give the final word on all disputed points.[3]

2. The Islamic State

Muhammadan administration.

The dominions of the Delhi kings increased by fits and starts, and under the Tughlaq dynasty (1321 to 1398 A.D.) nearly the whole of India was brought under Muhammadan rule. But the success was short lived. Before 1350 the whole of the Dekhan had revolted to its Hindu princes. The collapse of the Empire was completed by the devastating Mongol invasion of 1398 and the Tughlaqs disappeared, leaving behind them those buildings near Delhi which in their austere and massive grandeur symbolise the faith of the desert Prophet unalloyed by foreign elements.[4]

It was becoming only too clear that the new hopes in this world and the next, which Islam held out to the individual,

[1] *opahu.*

[2] *Baden-Powell*, 56-9, 122, 200, 215; *L.S.B.I.*, vol. I, 182; *Ibbetson*, 456-9; *L.S.B.I.*, vol. II, 692-3.

[3] *Baden-Powell*, 87, 106; *Ibbetson*, 348, 487-9; *L.S.B.I.*, vol. II, 696.

[4] *Innes*, 14; *P.A.R.*, 471.

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had no parallel in the world of politics, where the Islamic state merely adopted the systems of the religions it superseded. In its first beginnings the political system of Islam was influenced by the tribal customs of the nomad Arabs[1] modified by the personal autocracy of the Prophet; but with the rapid extension of Muhammadan rule, the Islamic state gradually sank to the common level of oriental despotisms. In India the Muhammadan rulers had neither the numbers, administrative experience and tradition, or knowledge of the language and people, sufficient for civil administration in more than a limited area. Thus while under the Delhi kings the great provincial governors were always Muhammadan, the local administration was for the most part left in the hands of the tribal chiefs who professed allegiance and paid tribute to the Delhi kings.[2] The ferocious punishments dealt out by these kings to rebels and wrong-doers were only in accordance with the spirit of the times, and were rendered the more necessary by the very weakness of the rulers in administrative capacity. "I punish", said Muhammad Tughlaq, "the most trifling act of contumacy with death." But the punishments inflicted were inspired by a rough sense of justice and were generally calculated to protect the poor from their oppressors. When the Pathan king Aladdin[3] punished those dealers who gave short weight, "especially to ignorant people and children," by cutting off equivalent weights in flesh from the buttocks of the offenders, he may have been cruel, but he was certainly just; and he did for the time being stop a form of oppression, which still survives after one hundred and fifty years of British rule. Feroz Shah Tughlaq, the wisest of the pre-Mogul kings, distinguished his reign by the construction of many works of public utility, towns, forts, mosques, colleges and many other buildings, besides embankments, and canals. One of these canals, which supplied the king's shooting box at Hissar with water from the Jumna,[4] afterwards became the Western Jumna Canal. But the irrigation of the intermediate country was then a secondary consideration. In fixing the alignment advantage was taken of any natural hollow or channel whose slope and direction were found suitable.

[1] pp. 21-8. [2] See also p. 104.

[3] Arabic, Ala-ud-Din; 1296-1326 A.D.

[4] Or possibly the Chautang Nala, a stream further to the west, and now merely a dry depression.

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Consequently the resulting work took the form rather of a linked series of drainages than of a canal, as the word is understood to-day.[1]

Strong government necessary.

For a ruler of these days to be weak was of a truth to be miserable, doing or suffering; and the necessity for strong government is illustrated by the sad story of the Thugs and Jalal-ud-Din Khilji,[2] the predecessor of Aladdin, a sympathywala[3] born out of due time. The Thugs formed a secret society, organised in gangs to effect robbery by means of murder. These gangs were usually unarmed, and were disguised as pilgrims, ascetics, or other harmless wayfarers. By means of ingenious tricks and false pretences they secured the confidence of their intended victims who were murdered at the place appointed, where graves had been dug in advance. The unfortunate victims were usually strangled with a scarf used as a noose, experience showing that to be the safest method. The organisation of each gang was complete, each member specialising as strangler, grave-digger, scout or otherwise. The whole Thug confederacy used among themselves a secret code of words and signs, intelligible only to those Thugs who had been through the ceremony of initiation, which included the consumption of raw sugar[4] in a sacramental manner. The initiated regarded their victims as sacrifices pleasing to the Hindu goddess Kali,[5] on whose protection they relied with unquestioning faith. They never felt the slightest compunction or remorse for their crimes, however horrible, believing themselves to be predestined to their mode of gaining a living, as their victims were to death. A thousand of these ruffians were arrested and brought before Jalal-ud-din. But the sympathywala would not allow one of them to be executed. They were transported in boats to Bengal and there let loose to be the progenitors of the river thuggee which till recently prevailed in Bengal and is possibly not extinct even now. Such a lax administration could not long survive

[1] *Margoliouth*, 147-8; *Smith India*, 229, 236, 239, 258; *P.A.R.*, 302; *Festing*, 90; *Ibbetson*, 274; *Wells*, 427.

[2] i.e., Jalal-ud-Din of the Afghan tribe of Khilji (A.D. 1290-1296), the predecessor of Aladdin.

[3] A sympathywala may perhaps be defined as one whose overwhelming sympathy for the criminal obliterates all consideration for his victims.

[4] *gur*. [5] Also named Durga, Devi, or Bhawani.

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in those rough days, and Jalal-ud-Din was soon removed to make way for the stern Aladdin.[1]

Effect of Muhammadan conquests on the land tenure and rights in land.

The early Muhammadan conquests had little effect on village tenures and ideas of landholding generally. Large numbers of Turks and Pathans accompanied the armies of the invaders and founded Pathan colonies which still exist; but they were mostly soldiers, and where they did settle here and there in agricultural villages, they seem to have adopted the habits of their neighbours, or observed their own purely tribal methods of dividing the lands occupied. They lost most of their special Pathan characteristics and there is now generally little to distinguish their villages from the settlements of other adventurous or conquering tribesmen. As a general rule the Muhammadan rulers had little sympathy with the higher caste Hindu communities or with Jat co-sharers, and they had therefore a general tendency to degrade the superior right-holders and to deal with the cultivator direct.[2] Such Rajput kingdoms or chiefships as had existed were levelled down, and all traces of their organisation disappeared from the Punjab. When any special village tenure was respected, it was because of some state grant, or religious obligation, as in the case of Sayyad[3] communities, or others which it was politic to preserve or countenance. But on the Frontier the Muhammadan invasions were accompanied by a series of conquests effected by comparatively small tribal and family groups of Pathans, who now advanced to the Indus and in some cases beyond it, occupying the territories which they still hold, and subduing or expelling the previous Jat inhabitants. The conquered land was at once allotted into villages, sections, and family holdings, so that the groups always regarded the whole area as theirs, and thus formed virtually a family group over each village.[4] Most of the tribes brought with them camp followers, dependents, and inferiors of various sorts, who became tenants, in some case with special privileges.[5]

[1] *Smith India*, 230-1, 666. [2] *Baden-Powell*, 217-8, 322, 425.

[3] The Muhammadan religious class, reputed descendants of the Prophet.

[4] See pp. 21-5. These conquests did not differ in kind from previous nomad conquests; the only difference being that there is *direct evidence* of the details of these more recent tribal conquests.

[5] *Baden-Powell*, 217-8, 322, 425; *L.S.B.I.*, vol. I, 139-40; *L.S.B.I.*, vol. II, 634, 666-7.

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Tribal custom was not much affected by Muhammadan legal theory. From the Quran itself, the sacred book of Muhammad, and from interpretations of, and additions to, the original body of doctrine contained therein, learned Muhammadan doctors had built up a system of Muhammadan law. Under this law wills were prohibited to the prejudice of heirs, and the possessions of the deceased were divided amongst his family (including females) in a rather complicated manner. This law of inheritance had its origin among the Arabs, whose chief wealth consisted of camels and merchandise or houses in towns. But it led to endless difficulties when it came to the division of land. In practice, however, the tribes which had adopted Islam ignored these new principles and followed the old agnatic system of inheritance, with its exclusion of females, but with some modifications derived from Muhammadan law, such as allowing shares to daughters until marriage.[1] Muhammadan law did, however, tend to enhance the rights of the State in land. The original theory of Muhammadan law laid down that the inhabitants of a country might be regarded as (a) peaceful,[2] (b) subdued infidels,[3] and (c) those in arms against Islam.[4] When the Muhammadan leader[5] conquered a country he could either divide the land amongst his soldiers or permit the inhabitants to remain on condition of paying a land-tax[6] on their lands and a poll-tax[7] on their heads. In the latter case the right of property remained with the inhabitants, this right also including that of alienation. Moreover, Muhammadan law endorsed the old principle that the person who first appropriated and cultivated waste land became *ipso facto* the lord of the soil.[8] The prince, however, remained entitled to the unoccupied land, and could make a gift or grant of the waste. In practice, however, these theories were limited by the circumstances of the case. Aladdin imposed a tribute[9] of half the produce, in addition to the poll-tax,[10] but generally speaking, the Pathan and Tughlaq kings did not bother much about theory. They took all they could in any case; the importance of theory merely lay in the fact that it put no moral limit to their exactions.[11]

[1] *L.S.B.I.*, vol. II, 633, n.; *Wells*, 419; *Baden-Powell*, 219, 220.
[2] *milli*. [3] *zimni*. [4] *harbi*.
[5] *Imam*. [6] *kharij*. [7] *jaziya*.
[8] p. 70. [9] *khiraj*. [10] *jaziya*.
[11] *L.S.B.I.*, vol. I, 228-30, 267-9; *Festing*, 107; *Taxation*, 80.

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The Delhi kings followed the old Hindu method of paying officials by means of assignment of land,[1] whose revenue the assignees[2] were allowed to appropriate for themselves. But Aladdin, who was a great experimenter, believed that this system tended to produce insubordination and rebellion, and paid cash salaries to his officers. His successors, however, reverted to the system of payment by assignment, which prevailed till the time of the Mogul Emperor, Akbar.

3. The Great Moguls[3]

> Holla, ye pampered jades of Asia!
> What can ye draw but twenty miles a day,
> And have so proud a chariot at your heels,
> And such a coachman as great Tamburlaine.
> Marlowe: *Tamburlaine* (2nd part) IV, 3.

Shortly after Muhammad Ghori had founded a permanent kingdom at Delhi, the nomads of Central Asia[4] were united under a military genius for their last and greatest attack on the civilisations of Asia and eastern Europe. In a few years[5] Jengis Khan, the leader of the Mongol branch of the Tartar race,[6] had overrun the backbone of the Eurasian continent from South Russia and Persia to North China. The west Punjab was plundered by Mongol troopers, though no organised invasion of India took place at that time. The conquests of Jengis Khan were extended by his successors till in 1280 A.D. practically the whole of the Russian and Chinese pre-War Empires together with Burma, Persia and Mesopotamia were under Mongol rulers. In each country the Mongols adopted the religion of the civilised nations they conquered, in China Buddhism, and in western Asia Islam. Throughout the middle ages the Mongols remained a terror to the civilisations of Asia. The Punjab was frequently raided, but in only one case was the devastation

Mongol raids on the Punjab.

[1] *jagir.* [2] *jagirdar.*

[3] *Mogul* is the anglicised spelling of the Arabic term *Mughal*, which was itself a corruption of Mongol, the Arabic alphabet having no symbol for ng. It is convenient to use the term Mogul for the Indian Empire and Emperors bearing that name, *Mughal* for the Turk, Mongol, and other adventurers from Central Asia who followed the Moguls into India and were generally known as *Mughals*; and to reserve the term Mongol for the nomads proper of that name in Central Asia.

[4] pp. 11-14. [5] 1214-1227 A.D. [6] p. 95, n. 6.

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so severe as to have any political result. Tamerlane,[1] a descendant of Jengis Khan through the female line, established his authority over Central Asia, and began to emulate the deeds of his great ancestor on a more savage scale. He ruled an empire of devastation from Mesopotamia to the Indus. His invasion of the Punjab (1398 A.D.) gave the *coup de grace* to the decaying Tughlaq monarchy. The speed of his movements paralysed effective resistance. Avoiding the Gakkhars[2] and the other martial tribes of the northern plateau,[3] he slipped rapidly along the southerly trade route,[4] sacked Talamba and marched up the valley of the Ghaggar. Near Panipat he met Mahmud, the degenerate scion of the Tughlaqs, who faced him with a large army supported by 120 elephants. "Against these monsters, or rather against the imagination of his troops, Tamerlane condescended to use some extraordinary precautions of fire and a ditch, of iron spikes and a rampart of bucklers; but the event soon taught the Mongols to smile at their own fears and as soon as these unwieldy animals were routed, the inferior species (the men of India) disappeared from the field."[5] Having perpetrated a frightful massacre at Delhi, Tamerlane returned through the Siwaliks,[6] having destroyed the Delhi monarchy, and ruined the Punjab, but having failed to effect anything constructive whatsoever.[7]

The Baluch invasion.

The general state of collapse which succeeded the invasion of Tamerlane enabled the Baluchis to advance into the Punjab from the south-west. Of mixed Arab descent, the Baluchis had slowly migrated eastwards with the Muhammadan invasions through Mekran and modern Baluchistan till they had reached the Bolan pass and the Sulaiman range. They now crossed the Sulaiman range, driving out the Pathans from those hills, and occupied the plain forming the present district of Dera Ghazi Khan as far as the Indus, expelling or subduing the previous Jat inhabitants. Like the Pathans they had most of the virtues and many of the vices peculiar to a wild and semi-civilised life. To both these nations hospitality was a sacred duty and the safety of the guest inviolable, both looked upon the exaction of "blood for blood" as the first duty of man; both followed strictly a

[1] i.e., Timur leng, or Timur the lame.
[2] p. 41. [3] p. 7. [4] p. 83.
[5] *Gibbon*, LXV. [6] p. 7.
[7] *Wells*, 471, 474-7, 485-6; *Smith India*, 225, 252; *Gazetteer*, 25.

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code of honour of their own, though one very different from that of modern Europe ; both believed in one God whose name was Allah, and whose Prophet Muhammad. But the Baluchi attacked his enemy in front, the Pathan from behind ; the Baluchi was bound by his promises, the Pathan by his interests ; in short, the Baluchi was less turbulent, less treacherous, less bloodthirsty, and less fanatical than the Pathan: he had less of God in his creed and less of the devil in his nature. His frame was shorter, sparer and wirier than that of his neighbour to the north ; though generations of independence had given to him a bold and manly bearing. His long oval face, with its finely cut features and aquiline nose, was set off by the oily curls of his long hair and his beard and whiskers. An expert rider, he wore a smock frock reaching to his heels and pleated about the waist, loose drawers and a long cotton scarf, all as nearly white as possible ; and he carried a sword, knife and shield. A nomad in his habits, he did not seclude his women, but he was extremely jealous of female honour. In cases of detected adultery the man was killed, and the woman hanged herself by order. Even when on the war-trail, the women and children of his enemy were safe from him.[1] The Baluchi tribe was a political and not an ethnic unit, and consisted of a conglomeration of clans bound together by allegiance to a common chief, round a nucleus of two or three tribes descended from a single ancestor. Round these collected a number of affiliated sections ; for the cohesion between the various parts of a tribe or clan was not always of the strongest, and it was not very uncommon for a clan to quarrel with its brethren, and leave its tribe to claim the protection of a neighbouring chief. They then became his *hamsayahs*, or dwellers beneath the same shade, and he was bound to protect them, and they to obey him. The tribe,[2] under its chief,[3] was subdivided into a small number of clans[4] with their headmen,[5] and each clan into more numerous septs.[6] The clans were based on common descent, and identity of a clan name in two different tribes was an almost certain sign of a common ancestor. The sept was only the wider kindred, and extended family.[7]

[1] *Ibbetson*, 376-9 ; *P.A.R.*, 620 ; *Thorburn MM.*, 22.
[2] *tuman*. [3] *Tumandar*. [4] p. 14.
[5] *muqaddam*. [6] *phalli*.
[7] p. 24 ; *Ibbetson*, 380 ; *Baden Powell*, 244-45.

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The old Muhammadan kingdom of Delhi never recovered from the blow inflicted by Tamerlane; and a century later the last of the weak Pathan rulers, who endeavoured to restore the old kingdom, himself succumbed to a fresh invader from Central Asia. A Turk, born of a Mongol mother, Baber traced his descent from Tamerlane. After many adventures in Central Asia he accepted the invitation of the rebel governor of the Punjab,[1] and invaded India with an army of 12,000 men. He first defeated the unwieldy hosts of the Pathan king, and afterwards those of the leaders of the Rajput clans, who had recovered strength with the weakness of the Delhi kingdom. He won by the same methods which had given victory to every previous invader from Alexander to Tamerlane, unity of command, and a massed cavalry charge directed at the right time and in the right place on an unwieldy enemy.[2] Though his armies were small they were braced by the vigour of the north, and he could rely, when necessary, on an unlimited supply of recruits from the finest fighting races of Asia. In physical strength and hardihood the Mughals were like the Norsemen and Normans of Europe. Baber swam every river that he crossed on his road to Delhi. The hardest march through the winter snows of Kabul left him vivacious and untired. His Mughal followers hated the heat of India and he himself was of opinion that "Hindustan is a country that has no pleasures to recommend it, no good horses, no good fish, no grapes or musk-melons, no good fruit, no ice or cold water, no good food or bread, no baths or colleges, no candles, no torches, not even a candle-stick"; but he determined to retain the prize he had won, and before he died in 1530 he had conquered all the great plain of northern India from Afghanistan to Bengal. Scattered along the path of the armies of Baber and his successors are many villages whose inhabitants still justify their indolence and overbearing manner by the proud appellation of Mughal, which indicates their descent from the followers of Baber and his successors.[3] Baber's son, Humayun, was driven out of India by a capable Pathan ruler, Sher Shah, whose wise administrative methods paved the way for the great reforms of Akbar. To prevent fraudulent musters, Government horses

Baber.

[1] 1524 A.D.

[2] pp. 44, 95, 107.

[3] *Holderness*, 53-4; *Lyall*, 32, 100-1; *Innes*, 16; *Wells*, 478; *Festing*, 150; *Thorburn, M.M.*, 32.

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were branded. The land was measured with a view to accurate assessment. Justice of a rough and ready kind was administered under Sher Shah's strict personal supervision, and the responsibility of village communities for crimes committed within their borders was enforced by tremendous penalties. No man could expect favour by reason of his rank or position, and no injury to cultivation was tolerated. With all his time devoted to the duties of religion and government, Sher Shah followed the example of the best Hindu sovereigns by laying out roads, planting trees, and providing wells and sarais for the accommodation of travellers. He reformed the coinage, issuing an abundance of silver money, excellent in both fineness and execution. But this efficient administration disappeared at his death (1545 A.D.), and ten years later his incapable successors were ousted by Humayun.[1]

Akbar (1556-1605) and the Hindu-Muhammadan question.

Humayun's son and successor; Akbar, was perhaps the most remarkable man who ever sat on an Indian throne. No unworthy grandson of Baber, he had the same inexhaustible physical strength and military capacity, combined with some of his unquenchable *joie de vivre*. But he was also a great administrator, who developed the tentative experiments of Sher Shah till they formed the administrative framework which has lasted in its essentials till to-day. But it was as a philosopher and thinker that Akbar was unique. The ruler of a great Empire, he did seriously consider how his administration could best be conducted for the benefit not of his Muhammadan subjects only, but of all his subjects, of whom by far the greater portion were Hindus. He saw that the main objective of the Muhammadan invasions had failed. The Muhammadan invaders and rulers, as far as they were not mere plunderers and tyrants, had as their aim the conversion of the infidel and the bringing of India into the fold of the true faith of Islam. This was the meaning of all those slaughterings of infidels, smashing of idols and destruction of temples which now seem so extraordinary. And there was much in favour of such an attempt. Christianity and Zoroastrianism, both in their eyes more serious rivals than Hinduism, had been wiped out of south-west Asia and North Africa in a century and a quarter. The Aztecs of Mexico were more fanatically devoted to their religion than the

[1] *Innes*, 17; *P.A.R.*, 620; *Smith India*, 327-9.

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average Hindu, yet it never survived the day when the soldiers of Cortes crashed the hideous image of the bloody Huitzilopochtli down the great pyramid which overlooked the city of Montezuma. Yet in spite of their overwhelming military superiority the Muhammadans had failed. Possibly the invaders of India had lost the single-minded fervour which had inspired the great Prophet of Arabia and his immediate successors. Possibly gentler methods would have been less irritating and more successful. Certainly the caste system gave all except the members of the lowest castes something to lose if they abandoned Hinduism; and the destruction of the Rajput kingdoms left the Brahmins incontestably the highest caste[1] with brains, cunning, and an age-long tradition all dedicated to the maintenance of their superiority and the system on which that superiority depended.[2] Whatever the cause, the Muhammadans had, as a matter of fact, failed in their enterprise of converting their subjects to Islam. Akbar thus found himself ruling an empire divided into two bitterly hostile classes, one of which (the Muhammadan) had nearly all the military and executive capacity, while in the other (the Hindu) were included the acutest brains, the financial ability, and the great majority of his subjects. The latter class could not be ignored, suppressed or eliminated, and to Akbar, whose philosophic mind was captivated by the doctrines of esoteric Hinduism,[3] must have come the temptation to throw over Islam altogether, to seek admission into the Hindu fold, by fire-birth, or whatever other means the willing Brahmins prescribed, to marry pretty Rajput princesses, and to obtain from the Brahmins an "Aryan" pedigree; in short, to become an orthodox Hindu king of a new clan of Rajputs. So far Akbar might have gone, had he been able to carry his Muhammadan followers with him. But his philosophical subtleties awoke no response in these wild adventurers, whose devotion to Islam was uncompromising, and whose cupidity was threatened by a proposal which would admit masses of Hindus to share in the spoils of Government. Under these circumstances Akbar decided on a policy similar to that of his great contemporary Elizabeth.[4] He aimed at uniting all

[1] Just as the destruction of the Irish aristocracy by the English in Elizabeth's reign left the Irish with no leaders but the priests.

[2] *Wells*, 487; *Innes*, 20; *Smith India*, 367; *Festing*, 195.

[3] p. 47. [4] Elizabeth, 1558-1603; Akbar, 1556-1605.

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his subjects in one Faith, which combining the best qualities of both the prevailing religions, should confirm his subjects in their allegiance to himself. Ascending the pulpit of the great mosque of his new capital of Fatehpur Sikri he read his bidding prayer,

> The Lord to me the Kingdom gave,
> He made me wise, and strong, and brave,
> He guided me in right and truth,
> Filling my mind with love of truth;
> No praise of man can sum His state,
> *Allahu Akbar*[1]; God is great.

In the last words pious Muhammadans could all join, though subtle courtiers might see in the words a commencement of that worship of the Emperor which Cæsar's successors endeavoured to instil into the inhabitants of the early Roman Empire.[2]

Akbar's latitudinarianism was reflected in his leniency towards Hindus. He abolished the taxes on Hindu pilgrims, remitted the poll-tax[3] on non-Muhammadans and gave Hindus a small share in administrative appointments. Having defeated the Rajputs in war, he married the daughters of the leading Rajput chiefs, and by his tolerant policy converted the Rajputs from enemies into the chief supporters of his Empire, which was extended till it stretched from Kabul to the Godavery river. Muhammadan discontent was easily suppressed by the vigour and courage of the Emperor, and when Akbar died his policy had no open opponent.

Jehangir (1605-1627) and Shah Jehan (1627-1658).

Jehangir, Akbar's son and successor, combined much of his father's ability with a careless self-indulgent nature. Like Charles II, whom he resembled in many respects, this Merry Monarch was nevertheless too shrewd to allow Akbar's efficient administrative machinery to run down to a dangerous extent. Both Jehangir and his son, Shah Jehan, were born of Rajput mothers, and the passion for wealth and display which were the characteristics of Hindu monarchs,[4] showed themselves to the full in Shah Jehan. Not even Solomon in all his glory was arrayed like Shah Jehan, the private rooms of whose palace alone covered more than twice the space of any

[1] The Arabic word *akbar* means great, so that *Allahu Akbar* may mean "God is Great," or "Akbar is God."

[2] *Wells*, 488-90; *Smith India*, 358-60; *Festing*, 182, 200-11.

[3] *jiziya*.

[4] p. 86.

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contemporary European palace, whose Audience Hall was roofed with silver, and whose throne, standing on four feet of solid gold set around with pearls, blazed with rubies, emeralds and diamonds, a peacock flashing a tail of sapphires and other stones above it, and the Koh-i-Nur sending a dull gleam from the front of its pearl-fringed canopy. Both Jehangir and Shah Jehan were men of masculine fibre and vigorous intelligence. They were no barbarians, though the Tartar strain was seen in their anger and their punishments. They were read in the literature of Persia, and their fine taste is seen in the splendid buildings of Agra and Delhi. They fully realised the importance of a strong frontier, and both policy and sentiment led them to aim at the possession of the ancient Bactria, the great plain between the Hindu Kush and the Oxus, the breeding place of India's invaders, and a splendid recruiting ground for the Mogul armies. But Jehangir lost Kandahar to the Persians, and when Shah Jehan's son Aurangzeb was finally driven from Bactria in disastrous retreat, the Mogul Empire lay exposed at its weakest point.[1]

Aurangzeb and the Muhammadan revival.

A succession war between the sons of the deceased king was an ordinary incident of oriental monarchies, and none of the Mogul Emperors had attained his throne without such a struggle.[2] But in the succession to the throne of Shah Jehan much more was involved than the question which of four capable young princes should sit on the Peacock Throne. Of Shah Jehan's four sons, Murad and Shujah, it is true, hardly represented anything except themselves. But Dara Shukoh,[3] frank and generous though arrogant and overbearing, in religion almost a freethinker, the idol of the Rajputs, was eminently suited to complete the work of Akbar and to transmute the Mogul Empire into a Hindu monarchy. But this tendency roused bitter resentment in religious Muhammadans, and above all in Dara's brother Aurangzeb. Born in the purple, this prince was nevertheless more suited to the raiment of camel's hair and the leathern girdle of the prophet. He saw that under the proud and sensual Shah Jehan and the free-thinking Dara the old burning faith of the desert Prophet was dead. It was to him that the call came to reawaken the sleepers and to rouse

[1] *Innes*, 20-3; *Holderness*, 54; *Gazetteer*, 28; *Smith India*, 384-7, 392-3, 401-3, 419; *Festing*, 287.

[2] p. 39, 102.

[3] Dara = Darius.

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the faithful once more to the duties and responsibilities of Islam. Shah Jehan had found his paradise in the imposing Hall of Audience[1] which he had built as a monument to his power. But from this pomp and splendour Aurangzeb turned away to the beautiful gem-like purity of the Pearl Mosque, where unhelped and unhindered by priest or preacher he could meet his God alone.

The tragedy of Aurangzeb is the tragedy of those who try to combine spiritual with material ideals. David, the man after God's own heart, St. Edward (the Confessor) and Henry VI of England, St. Louis IX and Joan of Arc of France all suffered from the contamination of the base clay of politics. But Aurangzeb was even more unfortunate. The methods employed by him for the removal of his brothers and the incarceration of his father were inconsistent with his professions and preyed on his conscience. Moreover he was above all things a keen Muhammadan. For this he persecuted Hindus, alienated the Rajputs, and undermined the structure which Akbar had erected and Jehangir and Shah Jehan had maintained. This policy alienated Hindus everywhere, and in the Dekhan the alienation took a concrete form in the Mahratta rebellions. Under these circumstances the wise course for Aurangzeb would have been to conciliate Muhammadans everywhere with a view to uniting them all under his leadership. Yet with a perversity which seems almost insane it was he above all who by destroying the Muhammadan kingdoms of the Dekhan rendered possible the great Hindu revival under the Mahrattas, which was the chief external cause of the decline and fall of the Mogul Empire. Like his contemporary Louis XIV of France,[2] Aurangzeb weakened the Empire by unwise expansion combined with increased centralisation, leaving it helpless when his commanding personality was removed. But while the outer shell of the Mogul Empire crumbled and fell, Islam itself awoke to a renewed vigour in the north. In the western and central Punjab, Islam had been adopted by nearly all the great agricultural tribes who were not drawn by the counter-attraction of the rival monotheistic faith of Sikhism. The

[1] On the entrance to the Diwan-i-Khas (Hall of Audience) is written in Persian, "*agar be rui zamin bahisht ast, hamin ast, hamin ast.*" "If there be a paradise on earth, it is this, it is this."

[2] Aurangzeb reigned 1658-1707. Louis XIV reigned 1661-1715.

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Hindu attempt to absorb Islam was definitely checked and defeated by Aurangzeb. Hinduism has always met its enemies with the wiles of Delilah rather than the sword of Goliath. Thus it swallowed up Buddhism and many a lesser faith, and thus it tried to swallow up Islam.[1] It is due to Aurangzeb that Islam remained in India as a standing protest against the caste system and the idolatry of Hinduism. It is due to Aurangzeb that there is a Hindu-Muhammadan question to-day.[2]

4. Mogul Administration

Agra and Lahor of Great Mogul.
Milton: *Paradise Lost.*

The Mogul administrative system is interesting for many reasons. It is the one pre-British Indian empire about which detailed evidence is available. It differed from its predecessors mainly in the superior efficiency which resulted from the successive long reigns of four capable rulers. Moreover the framework of the Mogul administrative structure still survives under British rule, in spite of the numerous accretions due to English legal and democratic theories. Mogul political theories were simple, the chief preoccupations of Government being the collection of revenue, and the maintenance of an army. "These two primary functions were largely in the hands of a single set of officers, who also discharged most of the remaining duties, and in particular were responsible for the maintenance of internal peace." The foundation of the Mogul administrative system lay in the division of its territories into provinces,[3] which were sub-divided into districts,[4] the district being sub-divided into sub-divisions[5] which usually but not invariably coincided with the old Hindu local areas.[6] In areas where communications were difficult a further sub-division was sometimes made.[7] Over each of these areas an officer was

The Mogul administrative structure.

[1] And is now trying to swallow up Sikhism and Anglican Christianity.

[2] *Lyall*, 34, 35-7, 101-2; *Holderness*, 55; *Festing*, 274-9.

[3] *suba*, about half the size of a province of the British Indian Empire.

[4] *sarkar*, about twice the size of a modern district.

[5] *mahal*, about half the size of a modern *tahsil*.

[6] *pargana*, see p. 37. [7] Into *tappas*.

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appointed who in addition to the primary administrative functions was responsible for seeing that the Emperor's orders were carried into effect. The Mogul province of Lahore coincided roughly with the central Punjab of to-day, while the south-west and south-east formed parts of the Multan and Delhi provinces respectively. Afghanistan was included in the Kabul province, but then as now the Frontier tribes were more or less independent, and the most the Moguls could do was to keep the caravan routes open through the passes. Akbar maintained the administrative machinery at a high state of efficiency, but Jehangir and Shah Jehan grew slack in their latter years, and Aurangzeb neither trusted good subordinates nor punished bad ones and was consequently ill-served, with resulting disorganisation throughout the Empire.[1]

The imperial service.

To administer his empire Akbar established a service of state officials, graded according to a quasi-military rank.[2] The higher ranks of this service were far better paid than civil servants in India or anywhere else to-day. The salary of a modern viceroy is a mere pittance when compared with the sums paid to the greater nobles. And the rates of pay tended to increase rather than diminish under Akbar's successors. No other career in India offered the prospect of such prizes, and the Imperial service attracted to the Mogul Court the ablest and most enterprising men from a large portion of western Asia. As a set-off against these princely salaries must, however, be recorded the fact that the Mogul officials could make no ostensible provision for their families, all their goods being escheated to the Emperor at death. Moreover promotion depended on the good-will of superiors who could not be approached empty-handed, the giving of such presents being part of the openly established system, and to be distinguished from the secret bribery which also prevailed. Even then promotion followed no fixed principle, and an officer might be advanced, degraded or dismissed at his superior's pleasure, subject only to the Emperor's veto, against whose orders there was no appeal.

[1] *L.S.B.I.*, vol. I, 255-6; *L.S.B.I.*, vol. II, 694; *Moreland Akbar*, 5, 31, 33-4; *Moreland*, 232-4, 247; *Smith India*, 450.

[2] A system which recalls the "Colonels" and "Majors" of modern Medical and Veterinary Departments, and the "military civilians" who till recently were appointed to civil posts in the Punjab, and still survive in the Frontier Province.

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The great majority of these civil servants were recruited from outside India, from the military races of Central Asia. In Akbar's time only 30 per cent of the appointments were held by Indians, of whom half were Muhammadans, and of the 15 per cent of Hindus the great majority were of the military class of Rajputs. The provincial services followed the same system, the provincial governor taking the place of the Emperor.[1] Each of these officials kept a regular army of servants, wretchedly paid, with their wages often in arrears, and generally dishonest; yet still better off than the majority of the population on whom they preyed. Apart from these were the regular slaves, a class which was continuously recruited from prisoners of war, persons unable to pay the Government taxes, or who in famine times sold themselves or were sold by their parents for bread. The rest of the enormous salaries of the Mogul officials was spent on articles of luxury or display, elephants, horses, costly clothes, ice and fresh fruit, or on presents to superiors. Few were content to accumulate riches for the ultimate benefit of the State. The cost of all this splendour fell on the producing lower classes, who had in addition to support the large military and civil establishments of the great officials; the latter being swollen by the large army of clerks who mainly existed to check each other, with the result that business was procrastinated unduly, and the system tended to collapse under any extra strain.[2]

Criminal and civil justice.

In the rural areas the maintenance of law and order was entrusted to the revenue staff. In important towns, however, a special Executive Officer[3] was appointed, who suppressed crime by severe punishments, and thus rendered life and property generally secure, though wealthy criminals might escape on the payment of a heavy fine, and the line between fines and bribes was indistinct. With the decay of the Empire armed gangs of robbers began to infest the neighbourhood of some of the principal cities, often with the connivance of the local governors, who benefited both by the bribes they received from the robbers

[1] *Moreland Akbar*, 51, 63-5, 68-72, 83-5, 261; *Festing*, 160; *Smith India*, 354, 370-1, 390; *Moreland*, 270.

[2] *Moreland Akbar*, 73-8, 83, 88-9, 94, 256-60, 262-3; *Smith India*, 249; *Moreland*, 200; "Slavery in India," by H.R.G., in the *Civil and Military Gazette* of 2nd February, 1926.

[3] Known as the *Kotwal*.

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and by the savings in police expenditure. Litigation, both civil and criminal was conducted before these same officers. It was generally necessary to give a handsome donation to the trying officer before he would take up the case, but this donation was relatively much less than is now spent on lawyer's fees and was much more productive in its results, as the party could then plead his case in person before the officer, with the certainty that if it was a good one action would be taken promptly. Civil litigation was thus cheaper and speedier than it is now. Officers wisely paid little heed to witnesses or oaths and relied on their own discernment and knowledge of human nature. The severity of the punishments inflicted by the Emperors on convicted bribe-takers acted as a powerful deterrent to corruption. A basket full of poisonous snakes was kept by Shah Jehan ready to bite such delinquents, and even the easy-going Jehangir was no respecter of persons, when it came to administering justice.[1]

Mogul land-holders: (a) Zemindars.

The early Muhammadan kingdoms had introduced a number of new settlers, and levelled down many old superior right-holders; but apart from this they had left the Hindu land administration very much where they found it.[2] But, as often happens when capable administrators come in contact with a system to which they are not accustomed, these outsiders defined and crystallised the revenue systems which they found, and supplied them with a valuable terminology (derived from the Arabic and Persian languages) which has lasted till the present day. The Muhammadans, and in particular the Mogul administrators, performed for land revenue theory the service which the Romans did for law. By providing it with a terminology they created and defined revenue concepts[3] with a clearness which had not been attained by their mystically-minded Hindu predecessors.[4]

Under the Moguls, administration meant primarily the collection of the land revenue; and the administrative ideal of the period was that the Emperor, or his nominees, should

[1] *Moreland Akbar*, 34-5, 37, 40-1; *Moreland*, 294-5; *Smith India*, 371, 388, 416.

[2] pp. 102, 105.

[3] e.g., *jagir*, an assignment of land; *khalsa*, the royal domain; *zamindari*, the royal rights in land; *waris*, an hereditary "owner" of land; *mirasi*, the rights of such an "owner", etc.

[4] *L.S.B.I.*, vol. I, 182-3, 252, 255; *Baden-Powell*, 198, 221.

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collect the revenue from the actual cultivators of the soil. "But this ideal was not always realisable in practice and in various parts of the Empire the local administration was in the hands of men, who are spoken of consistently as Zemindars."[1] These were persons of local influence who in practice exercised very considerable power as long as they paid the stipulated revenue. The position was usually hereditary, though it could of course be terminated in a moment by the decision of the Emperor. The relative permanency of the tenure of these Zemindars gave them more interest in the prosperity of their domains than was the case with ordinary officials, and consequently the peasants were generally better off under them than in the royal domain. But this very interest in the welfare of their peasants tended to prevent a single-minded attention to instructions from above. It both gave them a motive for disobedience and the power to disobey. They were not therefore *personæ gratæ* with the higher authorities.[2]

Mogul land-holders: (b) Revenue-free grants.

The practice of giving revenue-free grants of land for the support of temples, mosques, schools, bridges, or tanks, or for the maintenance of pious persons or those who for any other reason were considered deserving, was followed by Hindu kings,[3] and their Muhammadan successors;[4] the Pathan kings of Delhi being particularly lavish in their grants to Muhammadan shrines and other religious institutions. At the commencement of Akbar's reign these grants consumed a substantial portion of the State revenues, but as he became more and more alienated from Islamic sympathies, he resumed many of the Muhammadan religious grants, a proceeding which made for financial stability, though it did not enhance the Emperor's popularity with his Muhammadan followers. Grants of this nature were generally made out of the royal domain, more seldom out of that assigned to Zemindars.[5]

[1] The term Zemindar means land holder (Persian *zamin*, land). But it has come to be used in two quite different senses: (1) for a large land holder (under the Emperor, or in modern Bengal); (2) for a small land holder or peasant proprietor, which is the sense in which it is now generally used in the Punjab. To distinguish between these two senses I shall spell (1) *Zemindar* with a capital Z and (2) *zamindar* with a small z.

[2] *Moreland*, 236; *Moreland Akbar*, 3, 135, 138.

[3] p. 37. [4] p. 104.

[5] *Moreland*, 235-6; *L.S.B.I.*, vol. I, 189-90; *Baden-Powell*, 425, 429; *Moreland Akbar*, 86.

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The unruliness of the Zemindars led Akbar to aim at the increase of a more direct form of administration by the extension of the royal domain, under officials directly appointed by himself, receiving fixed salaries, and accounting for the revenue collected by them.[1] These officials had been previously paid by the assignment of a group of villages, calculated to yield the sanctioned salary. Such assignments were also given for medical and other professional services to the Emperors or the provincial governors. But this system of payment tended to increase the power of these officials, as it did that of the Zemindars. It predisposed them to rebellion, while being also injurious to the fiscal interest of the central government. Akbar accordingly preferred that his officials should be remunerated by definite salaries. Unfortunately cash payments were unpopular with officials on account of the delays of the Treasury, which procrastinated even more than its modern counterpart, owing to the numberless checks and counterchecks devised to prevent fraud. "An officer therefore felt greater certainty when in possession of an assignment, and he could often hope to obtain one which was really worth, or could be made to yield, more than the official records showed." But the system gave way under the easy-going Jehangir who reverted to the old method of payment by assignment. To prevent the increased political power which might thus accrue to the local governors, Jehangir had them frequently transferred; a policy which if politically sound, was economically disastrous. Under him the officials, knowing their tenure was short, took no interest in the prosperity of their charges. Their aim being to make as much as possible in a short time, they rackrented the peasants, at times ejecting them and cultivating the land on their own account. Thus, with the increased centralisation of the administration, institutions broke down and the way was prepared for the economic collapse of the Empire as a whole.[2]

Mogul land-holders: (c) royal officials paid by assignments, or (d) in cash.

Akbar's cash assessment.

The Mogul rulers had hitherto followed the old Hindu method of collecting a share of the produce of the land;[3] but when officials were paid in cash it was

[1] Such officials were said to hold their appointments *kachcha* or *kham*, as opposed to Zemindars who held it *pakka* or *pukhta*.

[2] *Moreland*, 235, 238, 249-51; *Moreland Akbar*, 67, 84, 129-30; *Smith India*, 354; *Baden-Powell*, 429.

[3] p. 36.

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necessary to realise the land revenue in cash also. To do this equitably the land had to be measured and an estimate made of the value of the produce grown on it. Akbar's system was a development of that originally introduced into India by Sher Shah. Its origin might be found in one of the financial reforms of Julius Cæsar, who aimed at getting a reasonable revenue from the public lands annexed by profiteering politicians, and who lost his life in the attempt. "But his work remained. His standards were later adopted in the Eastern (Byzantine) Empire, and thence spread into pre-Moslem Persia, where they were promulgated by the famous Naushirwan of the Sassanian dynasty, whose name is still cited all over the East as the Mirror of Justice. The great Caliph Umar, was wise enough to maintain Naushirwan's standards for assessment of the conquered territories of which the infidels were allowed to retain possession. Akbar realised the advantage of supporting his reforms by citing Naushirwan and Umar as his models, and he even brought in Julius Cæsar in his reference to the *kaisari gaz* (yard), or standard of length."[1] Under Akbar's system the land actually under cultivation was measured every harvest by a special staff of measurers sent down to each village and not by the village accountants,[2] who were then servants of the village and not of the State. Akbar laid down a scale of diet to be provided for the measuring parties, and also fees to be paid in cash, but as the amount of the season's revenue depended on the records so prepared, in practice payments were limited less by the orders issued than by the appetite of the subordinate officials. Thus the persistent tradition of the country that land-measurement means loot may well have its roots in the system of assessment introduced by Sher Shah and elaborated under Akbar. The burden was so great that land-holders were willing to make any sacrifice to evade it, and gradually the practice grew up of making rough estimates of area, and only resorting to actual measurement when the land-holder disputed the estimates. In that case the measurer would generally, by raising the measuring rod in the middle, or other devices, make out that the area was larger than the estimate,

[1] *O'Dwyer*, 56-7; Akbar's *gaz* or yard was 33 inches long. Sixty *gaz* made a *jarib* or chain. The unit of area, a square *jarib* or *bigha*, thus amounted to three-fifths of an acre.

[2] p. 37.

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and so deter any other disputants from coming forward. Akbar's claim was fixed at one-third of the gross produce;[1] and the area having been determined it remained to ascertain the yield and the price in order to fix the amount of the cash assessment on a particular parcel of land. To facilitate estimates of yield a complicated soil classification was introduced based on previous cultivation and varying from newly broken waste to old tillage. Yields were then fixed for each crop on each class of soil based on the average yield of the previous ten years. Prices were estimated on a nineteen years average, as it was supposed that the seasons underwent a complete revolution during the moon's cycle. To facilitate assessment work, a new Harvest[2] year was introduced by Akbar, beginning with the 10th September, when the spring harvest had all been sold and the autumn harvest was not yet cut, and thus being more useful for revenue accounts than the Muhammadan lunar year (which changed relatively to the seasons). When properly worked, the system was a great improvement on the original Indian system, in which the produce was divided at harvest and the peasant and the State shared the risk of the enterprise. Under Akbar's system "the peasant took most of the risk, and (in theory) all the extra profit, since his payments were determined by the crops sown and not by the harvests gathered, subject only to the possibility of a remission being granted in the event of a failure of crop. The change thus operated, on the one hand to increase the peasant's interest in the success of his undertaking, and, on the other, to minimise seasonal fluctuations in the Imperial revenue, and while it did not amount to the establishment of a regular system of rents, it marked a definite step towards the transformation of the peasant into what is known as a cash-paying tenant; he did not know his liabilities definitely in advance, but he could calculate them for the season as soon as he had made his plans for sowing." The standard of one-third of the gross produce fixed by Akbar was high, but probably under-measurement made it less burdensome in practice than in theory. Under his successors, however, the demand was

[1] i.e., twice the maximum now taken by the British Government (see p. 36, n. 6).

[2] *Fasli*.

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increased to a point which left the cultivator hardly enough to maintain himself and his family.[1]

The assessment statements were prepared twice yearly for every village. After completion they were sent to Akbar's new capital at Fatehpur Sikri where they were examined and sifted by a small army of clerks of the newly created Land Record Department, and then consigned to a large record room prepared for their use. In this way a mass of data was collected regarding the land, and the preservation of much of the information thus collected in the gazetteer prepared by one of Akbar's chief assistants[2] renders a much more detailed description possible of the economic system of the Mogul Empire than of any of its predecessors. The assessment work was supervised by the old subdivisional accountant[3] over whom was a supervisor[4] who supervised the revenue work of a larger area.[5]

Mogul land-holders: (e) Revenue Farmers.

At first the revenue was assessed by taking the value of one-third of the actual produce of each harvest, based on the prices of the previous nineteen years, the average yields of the previous ten years, and the actual measurements of the harvest in question. But the administrative difficulties involved in these seasonal estimates led to assessments based on an average of the produce of the previous ten years, and these again were gradually simplified into lump sums assessed on each village and based not on actual measurements but on general considerations, Akbar's methods being applied in detail only when a village or larger area refused to accept these annual summary assessments. These lump sums were contracted for by the village headmen or other men of position, without much regard to the individual rights of cultivators, and they involved the risk that the less influential peasants would be compelled to pay more than their fair share of the demand of the village. In this way the village became more directly subject to the

[1] *L.S.B.I.*, vol. I, 13-14, 242, 274-9, 408; *Moreland Akbar*, 54, 80-1, 99-100, 130-1, 132-3, 135; *Moreland*, 248, 258, 260-5; *Smith India*, 371; *Baden-Powell*, 219, 222; *O'Dwyer*, 56-7.

[2] The *Ain-i-Akbari* by Abul Fazl.

[3] See p. 38, n. 1. Under the Mughals he was known as a *qanungo*, or law-speaker, who looked after the revenue work of a *mahal* (see p. 115).

[4] *amil*, or *amalguzar*.

[5] *L.S.B.I.*, vol. I, 256-7; *Smith India*, 356; *Moreland Akbar*, 78-9, 100; *Baden-Powell*, 222.

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assessors, and the individual peasants to the stronger men among them. Moreover the lump sums so contracted for were liable to be increased by the addition of cesses,[1] the abolition of which had been one of the main objects of Akbar's revenue reforms. These cesses were not entirely abolished by Akbar, who indeed imposed a new one for the maintenance of the annual crop-measuring staff, and they greatly increased under his successors, in spite of the orders issued by Aurangzeb to the contrary; and the addition of cesses to the amount originally assessed gradually became the normal way of revising an assessment. But with the extension of the Empire the obstacles in the way of detailed control, and the difficulties of supervision of isolated subordinates increased. It became easier to allow such a subordinate himself to contract for the lump sum assessed, and recover it from the villages under him, reserving to himself a certain percentage for the expenses of collection. The system worked fairly well, when such a revenue farmer was carefully chosen, his payments fixed at a moderate figure, and his tenure sufficiently long to enable him to pursue a constructive policy. But when the farm was given for a short period on purely financial considerations, it could not fail to give rise to oppression. The revenue farmer was eventually made responsible not only for his payment to the central authority, but for the support of the local administration, the maintenance of a certain military force and the support of his own state and dignity. As the farming system spread, the large farmers began to sub-farm their land to sub-farmers who had to take the risk of good or bad harvests. Such a sub-farm was generally granted for a single village, and tended to become virtual ownership; for the farmer could hardly be denied the right of ejecting a tenant who was unable to pay the required revenue. Such farmers once established, left their families to inherit and share the village lands among themselves. The larger farms were at first only for life and resumable with the office, but later it was thought below the dignity (and was often beyond the power) of the ruler to resume, and so the farms became permanent and hereditary. The amount which a farmer could take from the cultivator was only limited by his own judgment of the capacity of these cultivators to withstand oppression by force, or to escape from it by desertion, and he enjoyed in practice

[1] *abwab.*

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most of the rights which are now regarded as special evidences of ownership. The severity of the methods in force for recovery of land revenue from defaulters left little to a subordinate right-holder. His family might be sold into slavery, or forcibly converted to Islam, while he himself might be bastinadoed in summer, or stripped naked and sprinkled with water in winter. The oppression of the smaller peasantry which characterised the Mogul Empire in its decadence was crystallised in the pathetic saying, "We have no one to look to but God, and God is far off."[1]

5. Economic and Social Problems under the Moguls

The effect of the administrative system on production.

Under the revenue system in force in the Mogul Empire, the produce of agriculture was distributed by the State, which left the producer little more than the minimum required for his subsistence, and offered the surplus in rewards to energy or ingenuity expended in unproductive ways. Even under Akbar, the revenue was calculated on the basis of one-third of the gross yield, while it had to be paid from the net income. Now "if the productivity of a holding is to be maintained, a substantial proportion of the gross yield must be expended in ways which are, strictly speaking, necessary; the peasant must keep himself and his family alive and fit for work, he must maintain the efficiency of his cattle and provide for their replacement, he must renew his implements, and he must pay wages and various other expenses of cultivation. The burden of this necessary outlay varies, but on a representative holding in Northern India it probably approximates to one-half of the gross yield which the peasant hopes to secure in favourable seasons. The revenue or rent is the first charge on the net income left after these expenses have been provided for, and when it has been paid, the balance is at the disposal of the peasant for comforts or luxuries, improvements, and investment or repayment of personal debts; his financial position depends, not on his gross income, but on the amount of the free surplus which remains at his disposal. The surplus for which Akbar's peasants could hope was at the best very small;

[1] *Moreland*, 235-7, 249, 252-3, 265, 283; *L.S.B.I.*, vol. I, 189-90, 243, 257, 432-3; *Baden-Powell*, 222, 429; *L.A.M.*, 80, 499; *O'Dwyer*, 57; *Taxation*, 53; *Smith India*, 371; *Moreland Akbar*, 134.

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if half the produce was required to cover necessary expenditure and one-third was claimed as revenue, there remained one-sixth of the gross income expected in favourable years, and a very slight loss due to accidents of season would absorb the whole of the anticipated balance".[1] Moreover, though Akbar's system of cash assessment was designed partly to relieve the peasant by securing that he paid no more than was due from him, it resulted in additional hardship when under Akbar's successors it degenerated into lump sum assessments paid by revenue farmers. The peasant could no longer pay the requisite share of the produce. He had to convert it into cash immediately after harvesting, and this resulted in a disproportionate amount of the season's produce being thrown on the market within a few weeks, in this way forcing sellers to be content with lower prices than would have been obtainable in a market to which they were not compelled to come. Thus the ultimate result of cash assessments was to provide the towns with cheap food at the expense of the villages. The main benefit accruing to the peasant from the State to which he gave so much was a freedom from the ravages of war, which though small indeed compared with the *Pax Britannica*, yet made the peace of the Mogul Empire compare favourably with the chaos that preceded and succeeded it. But the expenditure on beneficent activities such as agricultural development, education, medical relief, and sanitation which now absorb such a large proportion of Government revenue was practically *nil*. The noble buildings, with which the Emperors and particularly Shah Jehan adorned the chief cities of the Empire, added much to the beauty but little to the economic prosperity of their surroundings. And even these buildings suffered from the general lack of permanence which seemed to pervade everything. The glorious city of Fatehpur Sikri, to which Akbar had devoted so much care and expense, was deserted after his death. But the main portion of the revenue was dissipated in the extravagant luxury of the nobles, which contrasted strongly with the miserable poverty of the agricultural peasants and the artizans of the towns. "Weavers, naked themselves, toiled to clothe others. Peasants, themselves hungry, toiled to feed the towns and cities. India, taken as a unit, parted with useful commodities in exchange for gold and silver, or in other words

[1] *Moreland Akbar*, 295-6.

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gave bread for stones. Men and women, living from season to season on the verge of hunger, could be contented so long as the supply of food held out: when it failed, as it so often did, their hope of salvation was the slave-trader, and the alternatives were cannibalism, suicide, or starvation."[1] That middle class of yeomen and burghers, which formed the backbone of the nations of contemporary Europe, had no counterpart in India. Thus "producers as a whole were at the mercy of an administration conducted by men who were accustomed to extremes of luxury and display, who were discouraged by the conditions of their tenure from taking measures to foster the development of their charge and who were impelled by the strongest motives to grasp for themselves the largest possible share of each producer's income. Productive enterprise was penalised; while the demands on the existing stream of commodities were certain to increase, the incentive to effort was bound to diminish, and the superior attractions of an unproductive life to become more and more apparent to all the most active elements of the population."[2] And with the gradual decay of the administrative machinery under Aurangzeb these conditions gradually led the way to the national bankruptcy which eventually occurred.[3]

Agricultural conditions.

The general appearance of the settled part of the countryside was much as it had been in the time of Alexander and is still to-day in backward areas. Millets and rice, pulses and oilseeds, wheat and barley, sugarcane, cotton and hemp, poppy and indigo, were all to be seen. The relative values of the various crops were generally the same as to-day, though oilseeds which now form a profitable article of export were naturally less valuable then. Poppy was more valuable, under the free market for opium which then existed. The price of cotton was relatively high; the villagers had so little to eat that they did not want to grow much more than was necessary for their own use, and the small quantity of cotton marketed therefore commanded a high price. Agriculture was, in fact, generally in the subsistence stage, and the production of food for the family was still the first care of the individual peasant. There was

[1] *Moreland*, 304-5.

[2] *Moreland Akbar*, 299.

[3] *Moreland Akbar*, 29, 93, 254, 294-300; *Moreland*, 197, 233, 300-305.

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therefore nothing corresponding to the large wheat and cotton tracts which now characterise the Punjab Canal Colonies, or the more varied intensive cultivation which is now to be found in the neighbourhood of Delhi, and other large towns. Agricultural implements showed no advance on their primitive condition,[1] save for the gradual increase of the use of the Persian wheel, which raised the water from a well by means of an endless chain of earthenware pots instead of by the usual leather bag. There was generally more land for grazing, and cattle could therefore be obtained more cheaply and easily than is now possible, but as against this must be set the weaker stamina of the peasant, devitalised by underfeeding and famines. The average yield of the various crops was much the same as now, the subsequent diminution due to the cultivation of less fertile lands being offset by improved methods of production. Two thousand years had brought little change in the distribution of population, which was thick along the line of the Grand Trunk Road from Delhi to Lahore, and very sparse elsewhere except in the riverain and submontane areas. Where the Imperial authority was strong enough to protect its subjects, the latter formed small village groups near to the lands they cultivated; but where misrule prevailed, the people of one tribe had to collect in large contiguous villages for protection. The land was cultivated by small holders, substantial capitalist farmers being practically non-existent. Agricultural labour was generally immobile. Poor as the peasant was, there was little to tempt him away from his village, so long as his village could supply his food. There was also a large number of landless labourers who were practically serfs tied to the land, in a condition of prædial slavery to the cultivators, who fed and clothed them in return for their labour.[2]

Famines.

The main economic preoccupation of the peasant was to get each day "his daily bread". Something to eat, a few vessels to cook it in, and a bedstead or two to sleep on, exhausted his normal wants. Even these trifling needs could be satisfied with difficulty. The Mogul Empire saved the peasants from the devastations of invaders who came and devoured the newly

[1] p. 74.

[2] *Moreland Akbar*, 7-8, 12-14, 90, 101-7, 109-15, 118, 121-4, 137, App. A.; *Moreland* 190; *Baden-Powell*, 274.

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gathered grain ; but " wars and rebellions might at any time paralyse the life of the villages, while the oppression of the State officials might drive the peasants themselves to a revolt " whose suppression brought fresh calamities in its train. And behind all lurked the ever-threatening spectre of famine. The word famine now connotes a work-famine when it is difficult for the peasant to obtain the means to pay for food, but in the famines of pre-British times, food was so unobtainable, that men and women were driven by hunger to eat human flesh. These famines were particularly severe in tracts like the Punjab, with a precarious rainfall, where years of plentiful harvests were succeeded by periods of continued drought. The sale of children into slavery marked the first stage of such a famine, cannibalism its climax. The Mogul rulers never displayed the brutal callousness of Hemu, the Hindu trader[1] who warred with Akbar, and pampered his elephants with rice, sugar, and butter while men and women ate one another. But the Emperor's efforts at relief were spasmodic and ineffective, and " from the nature of the case could not counteract the actual deficiency of food, which was the dominant factor in the situation ". Inferior communications rendered the cost of transporting grain long distances by land prohibitive, and the famine of one province got little relief from the surplus food of another. Moreover grain in transport was always liable to be intercepted by the Mogul armies, which were continually marching to fight an enemy or subdue a rebel. The horrors of famine were followed by those of the pestilences which carried off the weakened population in thousands. The economic life of a village, a town, or a district, when once broken up by migration, disease, and death, could not quickly be renewed, and no constructive measures of relief were undertaken to accelerate the process. " Those wanderers who had survived would naturally return on the advent of a favourable season, and the old life would gradually be restored, but the recovery was a tedious business at the best, and, it might be delayed further by ' the tyranny and covetousness of the Governors '. The loss of capital, particularly the peasants' working animals, the decline in the level of skill and knowledge, and the disrepute accruing in foreign markets are the features which concern the economist most directly ; the attention of the social historian will be

[1] *Bania.*

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drawn rather to the waste of life and the intensity of human misery recurring so frequently on varying scales."[1]

Rural economics.

Such conditions made it impossible for the land-holders to keep out of debt, a situation aggravated by the need for ready money to pay the land revenue in cash. It was a matter of habit with most land-holders to have transactions with the money-lender of their village, with whom they carried on a running account on friendly terms, taking from him advances for seed and food in the months preceding the harvest, and handing over to him the greater part of their produce, from the money proceeds of which he paid their dues to the State and credited, or pretended to credit, them with the balance. Under this arrangement the ignorant cultivator was relieved of much trouble and responsibility, and his payments to the Government were conducted for him by the money-lender or village headman. His account might run on amicably for a long series of years unless extravagant expenditure on family ceremonies, or a failure of the harvest from drought, involved him in difficulties beyond his ability to meet. Even in such cases the money-lender would be deterred from extreme measures by popular opinion and by the knowledge that he could count on no support from the ruling authority in selling up and reducing to destitution a member of the class on which the payment of the land revenue depended. Thus though the cultivator (in the absence of any power of obtaining loans on the security of his holding) was never deeply involved, he was seldom free from debt, and lived the life of a contented serf, exempt from the risks and responsibilities which accompany the possession of independent rights, but also without any inducement to raise himself or improve his position.[2] When to the burden of famine and debt was added that of a revenue system which left him hardly a bare subsistence, the peasant would often only till the land under compulsion and such tillage was listless and inefficient, the repair of water-channels and other undertakings necessary to get the best results out of the land being neglected. The flogging of reluctant peasants constituted the Government's main contribution to the work of agricultural development; Akbar's attempt to extend cultivation by the appointment of Colonisation Officers[3]

[1] *Moreland*, 219. [2] *Selections*, 22. [3] *Karoris*.

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having signally failed through his inability to control the rapacity of those officials, who sold the wives and children of the peasants into slavery and disorganised the economic life of the areas they were expected to "develop". Akbar's intentions were always excellent, and he directed his provincial governors to be energetic in "the making of reservoirs, wells, watercourses, gardens, rest-houses, and other pious foundations"; but such action as was taken was spasmodic, and where wells and reservoirs were made at the public cost, they were usually for the convenience of townsmen and travellers rather than for the needs of the ordinary peasant. The orders of the Emperor were of little avail against an administrative system which gave the local magnates no interest in the prosperity of their charges. This system provided no substitute for the feudal lord of mediæval Europe, whose interests were identified with those of the peasants who formed his feudal levy, and with the development of the estate which would descend to his heirs. It was not with a following of half-starved peasants that Earl Warwick made and unmade kings, but with a levy of yeoman tenants, whose food and clothing were his principal care. One local governor of the Lahore province did indeed show some constructive ideas, and he was a Persian,[1] Ali Mardan Khan. Under his supervision a small canal brought water from the Ravi to irrigate the neighbourhood of Lahore. He also remodelled the Western Jumna Canal, originally constructed by Feroz Shah[2] and afterwards renovated by Akbar, with the object of irrigating the "Hissar district, which the Emperor was bestowing upon his son, Muhammad Salim. 'God has said, from water all things are made. I consequently ordain that this jungle, in which subsistence is obtained with thirst be converted into a place of comfort.' Thus ran the royal rescript[3] in which the renovation was ordered, and once again, after an interval of a century, water was conveyed by the canal to Hissar." Ali Mardan Khan constructed a new branch to supply the fountains of the Imperial palace and to adorn the streets of the rising city which Shah Jehan was erecting at Delhi. The maintenance of the supply, however, required constant labour

[1] He came from Persia in 1673.

[2] p. 102.

[3] *sanad*.

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and a greater degree of attention than was likely to be accorded to it amongst the pressing cares of a falling empire.[1]

Trade under the Moguls.

The Red Sea route between Europe and Asia had been closed by the Arab conquests[2] and when trade again reverted to the old route via the Black Sea, Herat and Kabul,[3] Constantinople became for a time the commercial capital of the world. With the revival of this route Kabul became a great commercial centre, a meeting place for merchants from India, Persia and the countries to the north, and a depot for goods entering India via the Khaibar Pass and thence down the Grand Trunk Road to Lahore. The traffic with Persia, which had been opened by the Arab conquests[4] continued to flow via Multan and Kandahar. Both these routes carried "a considerable volume of merchandise when judged by standards appropriate to the conditions prevailing at the time. These conditions were inconsistent with the passage of any really heavy traffic as the term is now understood. Conveyance was effected by means of pack-animals as the roads were not fit for vehicles, while the danger of theft and violence was usually too great to permit of the passage of small or unprotected convoys. Merchants were therefore accustomed to wait at recognised starting-points until a sufficient number had gathered to form an effective caravan, one which would be able to resist attack, and they might have to wait for a considerable time."[5] Kabul lay on the route from India to the main caravan route between Western China and Europe. But trade between Western China and India also followed a route through the Punjab and Kashmir,[6] till an invasion of Tibet by Shah Jehan made the king of Tibet realise that a trade route was a dangerous possession, and closed his country to all intercourse with Kashmir. Internal trade routes by river and road and trade centres remained much as in Hindu times,[7] though the increased centralisation which characterised Muhammadan and particularly Mogul rule, gave enhanced importance to the Imperial capital at Delhi[8] and the provincial capitals of Lahore and Multan.

[1] *Moreland Akbar*, 73, 81-2, 92, 112, 125-8, 130, 138, 255; *Maine*, 161-3; *Moreland*, 107-8, 190-1, 196, 202, 203-19, 304; *P.A.R.*, 303; *Smith India*, 243, 247, 344, 362, 371-2, 393; *Marshall*, 793.

[2] p. 93. [3] p. 81. [4] p. 93.

[5] *Moreland Akbar*, 219. [6] p. 82. [7] pp. 82 foll.

[8] Delhi and Agra were both Imperial capitals, but Delhi was the most important. Fatehpur Sikri was abandoned after Akbar's death.

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The Imperial and provincial capitals were great disbursing centres, and populations of from a quarter to half a million were collected there to minister to the wants of the Emperor or governor and his satellites. It was this concentration of all the wealth of the country in a few favoured spots which gave rise to the stories of the opulence of the East which so dazzled the imaginations of European adventurers. The centres of Government became thus the exclusive seats of skilled manufacture and decorative art, to which every experienced artificer repaired; and the mosques, palaces and tombs of the Emperors and their subordinates still survive to bear witness to their artistic sensibility and organising ability. But even in these cities the splendour was confined to the dwellings of the ruling class. The cities themselves were badly laid out with narrow ill-paved streets, and the common people lived in huts and hovels. The concentration of wealth and population in these great capitals diminished the importance of other trade centres, which for the most part decayed during the Mogul rule, and in no case had a population of over one hundred thousand. The importance of good communications was fully recognised by the Moguls, who in this, as in many other matters followed in the footsteps of Sher Shah.[1] Though the roads were unmetalled, the main routes of land travel were clearly defined, in some cases by avenues of trees, and more generally by walled enclosures[2] of brick or stone, in which travellers and merchants could pass the night in comparative security. These contained a well supply with baths and a tank with fresh water, with attendants to look after them and to wait on travellers. The Grand Trunk Road from Agra to Lahore was marked out by tall pillars[3] 20 to 30 feet high and 2½ miles[4] apart. The rivers were usually crossed by bridges of boats. Such bridges as there were constituted great barriers, perforated with numerous small pointed arches, affording considerably less waterway than the area of obstruction presented by the massive piers, which were founded on shallow wells and supported a continuous floor. Means of transport had changed little since Hindu times;[5] but improved communications stimulated the use of wheeled vehicles, which were particularly desirable in the case of valuable goods, such as treasure or indigo, which might be

[1] p. 110. [2] *Sarais*. [3] *kos minars*.
[4] *kos*, the Mogul unit of length. [5] p. 83.

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easier pilfered during the frequent loading and unloading if carried on pack animals. But the greatest obstacle to trade was the lack of security. "Robbers were to be expected in hilly and wooded country, but they might be met with at any time in the open plains; a false rumour might set the countryside ablaze; and the road watchmen were by no means to be trusted without reserve."[1] The better class highwaymen might be content with levying blackmail, and the transit duties levied by the local governors came in much the same category. Such charges varied widely, and in spite of the repeated prohibitions of the Emperors were generally only limited in amount by the danger of driving the profitable trade off the route entirely. "The real evil consisted in the uncertainty of the demand and the violence with which it was collected. Merchants could not make a confident forecast of what they would have to pay on any particular journey, and goods would not be transported unless the anticipated profit was sufficiently large to leave a margin for unforeseen demands; in the long run the consumer doubtless paid the duties which were actually levied, but consumers and producers alike must have suffered by the curtailment of trade resulting from the uncertainty in the operation of the system,"[2] under which the amount paid in tolls on the average equalled the cost of production and transport of the article transported, and so doubled its price. Moreover, on the plea of (real or pretended) State necessity, the local governor or his nominee might appear as the buyer or seller of any commodity at any price which he considered reasonable at the time; while normal economic conditions were still further modified by the exemptions which were granted to favoured travellers and enabled them to escape the duties or demands levied on others. The cost of the transport itself and the miscellaneous burdens imposed by official levies and non-official robberies, together with the time which the slow moving caravans took to reach their destination, combined to confine markets within narrow limits, and to make prices depend on the stock of a commodity actually on the spot rather than on the supply generally available. This particularly applied to food grains, whose cost of carriage by land was so great as to eliminate effective competition. Transport by river cost much less and the Indus and its

[1] *Moreland Akbar*, 45.
[2] *Moreland*, 289.

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tributaries gave a certain economic unity to the Central Punjab, the Land of the Five Rivers *par excellence*.[1]

Commerce under the Moguls.

Under conditions of this kind commerce could only be carried on by those who had developed qualities to meet the difficulties confronting them. And the Indian merchants were certainly not lacking in astuteness. "They are as subtle as the devil, whose limbs I certainly persuade myself they are," wrote an English contemporary[2]; and they played a fairly successful game of pull-devil-pull-baker with the provincial governors, whose fiscal system left hardly any branch of commerce or industry untouched. Moreover, any business, which succeeded in prospering in spite of the regular imposts, was liable to special taxation, and such taxation might be enforced by whipping or even more violent coercive processes. Wealth could only be accumulated by those who were willing to forego most of its advantages and all of its display, and a class of parsimonious misers was thus developed, whose astuteness was shown in their capacity to gauge the personal credit of those to whom they made advances. But the general insecurity generated a gambling spirit, and, then as now, economic causes produced a more than proportionate reaction. Success in commercial ventures produced undue elation, and failure undue depression. The general insecurity stimulated the habit of hoarding which had prevailed from time immemorial among all classes,[3] and resulted in a large proportion of the surplus capital of the country being buried underground. These accumulated hoards had been largely depleted by the Muhammadan and Mongol invasions, with a resulting scarcity of gold and silver and lowness of prices. With the relative security afforded by the Mogul Empire, hoarding recommenced among all classes from the Emperor downwards, and these reserves of treasure had a steadying effect on prices during the Mogul period, the fluctuations that took place being accounted for by temporary or local alterations in demand or supply. The evil effects of a debased currency had been illustrated by the expedients adopted by Muhammad Tughlaq[4] to rehabilitate his disordered

[1] *P.A.R.*, 277-9, 283; *Lyall*, 7; *Moreland Akbar*, 6-9, 12-14, 21, 45-6, 49-50, 166-7, 198, 204, 219-20; *Smith India*, 375, 423; *Moreland*, 146-7, 149-51, 285-6, 289-90; *Maine*, 118-19.

[2] William Finch, the first English merchant at Surat (about 1605).

[3] p. 86.

[4] One of the Tughlaq dynasty (see p. 101).

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finances. Casting about for relief he bethought himself of the paper currency of China, and argued that if the Chinese emperor could use paper money with success he himself could pass copper or brass as if it were silver in virtue of his royal command. Accordingly he struck vast quantities of copper money, inscribed with legends denoting their value as if the pieces were silver, and issued orders declaring them legal tender to the full value of the legends. But the official issues were soon supplemented by an immense unauthorised coinage; every Hindu house becoming a mint where forged tokens were coined. The Hindus waxed fat, rode once more upon horses, and ruffled abroad in fine clothes; and the royal treasury was filled with copper tokens of no more value than pebbles. Trade was at a standstill and the old coins rose four and five-fold in value. But the smash soon came, and the king was obliged to repeal his edict, "till at last copper became copper, and silver, silver". The discarded coins were piled up in mountainous heaps at Tughlaqabad, and "had no more value than stones".[1] But the Moguls made no such risky experiments. Their chief silver coin was the rupee which in weight was practically identical with the rupee of to-day.[2] But the price of food grains in terms of silver was then about a seventh of the prices of 1914, the prices of other commodities being relatively a little dearer, about a fifth of pre-War prices. This, however, only relates to the normal prices, difficulties of transport giving rise to violent price fluctuations, particularly in the case of bulky articles such as food grains.

Industries.

Villages were mostly self-supporting. The villagers ate food and wore clothes produced in or near the village. "But it does not follow that they got enough to eat, or that the clothes they wore gave adequate protection against the weather." Even the towns depended for most of their supplies on the country surrounding them. Agricultural manufactures were essentially primitive. The preparation of flour and meal was in general a purely domestic undertaking. Sugar-cane was mainly worked up into the crude form known as *gur* in village presses and furnaces of the type still generally prevalent. Fine grained sugar was also produced (mainly in Bengal) while the neighbourhood of

[1] *Smith India*, 240-1; *Festing*, 109.

[2] Akbar's rupee weighed 172½ grains, as against the modern rupee of 180 grains.

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Lahore produced a more costly form known as candy. Oil pressing and cotton-ginning were carried on by the primitive methods still to be seen in villages. Spirits were widely distilled from sugar by primitive methods, in spite of restrictive edicts issued by the Emperors. Forests and jungle were more prevalent then than now, and consequently villagers generally had a better supply of firewood and timber than is now possible. But in towns this advantage was counteracted by the defective means of transport. Iron and copper continued to be worked in the Himalayas. But the prosperity of these industries depends on the local supply of fuel for smelting: the great iron industries of the North of England are based on the proximity of coal. These industries soon exhausted the local supply of fuel and then had to wait till the trees had time to grow, the cost of transport being prohibitive. Salt was mined (then as now) in the Salt Range. It was taxed like everything else, the present salt duty being the sole survivor of the universal taxation of industry of the Mogul period. Handicrafts generally were characterised by variety and skill rather than economic importance. Many of the craftsmen who catered for the tastes of the ruling classes at Lahore or Delhi showed skill and industry, but the volume of production was not great, and a large part of the value of their products was due to the cost of material rather than to the processes applied. Ironmongery was limited by the high cost of the metal, wood-working by the small demand for furniture. Leather-working was not a prominent industry. Shoes were less commonly worn than at the present time; "saddles were mainly made of cloth and halters of rope, horses were seldom used for driving, and the harness of oxen—at that period the principle draught animals—has even now little leather in it." Paper was made by the hand-processes which still prevail in Government jails. Earthenware goods were often used then where brass is used now, and the number of the potter[1] caste who have now taken to agriculture testifies to the relatively greater importance of the industry at that time. Building as an industry was relatively unimportant. The lower classes continued to live in mud houses, and though the upper classes occasionally expended vast sums on the forts, mosques, and tombs which were allowed to go to ruin by their successors, they lived for the most part more in tents than in palaces.

[1] *kumhar*.

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But handicraftsmen were underpaid generally, and liable to impressment by the ruling classes; and such conditions were bound to act as a deterrent to the production of a high class of work such as was turned out by the city companies of contemporary Europe. Textile industries were more important, as is evidenced by the large number of the weaver[1] caste. "Silk stuffs were widely worn by the upper classes, and the fashion of the times prescribed an extensive wardrobe for anyone who desired to move in good society." Silk weaving was carried on at Lahore, where Akbar, who had specially studied the subject, established an Imperial workshop. But here again the industry was handicapped by the poverty of the workers. Though each man worked for himself, he was financially dependent on a middleman who advanced the price of the raw material and took over the finished article at his own valuation, leaving the worker a scanty livelihood. The degradation of the artizan was to some extent retarded by the Imperial workshops, but generally speaking the actual producer in industry, as in agriculture, had to live on a miserable pittance, the main profit of his work being absorbed in the one case by the middleman, in the other by the money-lender and the State official.[2]

[1] *julaha.*

[2] *Moreland*, 145, 149, 171-6, 192-9; *Moreland Akbar*, 55-9, 150-65, 172-92; *Douie*, 173; *Smith India*, 256.

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CHAPTER IV

THE COMING OF THE ENGLISH

The conquest and government of India are really the achievements which give England her place in the opinion of the world.
DE TOCQUEVILLE.

1. BENGAL

THROUGHOUT history the Punjab has acted as the clearing house between the settled agricultural peoples of India and nomad invaders from Central Asia. In a sense the Muhammadan invasions were merely a repetition of what had been going on before from time immemorial, and much of our knowledge of previous invasions must be inferred from the recorded facts of the Muhammadan inroads. They were a repetition but with a difference, and that difference was a vital one. The older invaders had allowed themselves to be absorbed into the Brahmin system, whose caste prejudices were so fatal to military efficiency. And though Brahminical influence was weaker, and nomad tribal tradition stronger, in the Punjab villages, yet even there the Hindu system for the most part prevailed. But the Muhammadan invaders brought with them a faith that allowed of no compromise with Brahmin tenets. To the caste system it opposed the equality of all believers, and the inferiority of all others, whether Brahmins or non-Brahmins; to cow-worship it opposed cow sacrifice, to an army graded on caste principles one in which each private carried a marshal's baton in his knapsack; above all to a medley of conflicting gods all acting at cross purposes, it opposed belief in one God, whose law was righteousness. Politically, however, Islam introduced no new principle. The Muhammadan kingdoms, and in particular the Mogul Empire were moulded on the usual lines of oriental (and in particular Hindu) monarchies, and Akbar's attempts at administrative reform became unworkable with the continued expansion of

The Decline and Fall of the Mogul Empire.

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the Empire. This expansion prepared the way for collapse, a collapse which was hastened by the fervid monotheism of Aurangzeb to whose influence must, however, mainly be attributed the conversion to Islam of nearly all the agricultural tribes of the Western Punjab and many of other parts. But Aurangzeb was mainly preoccupied with the Dekhan, and towards the end of his reign his garrisons were driven out of Afghanistan. "As the maintenance of a strong north-west frontier has always been essential to the security of India, the divorce of Afghanistan from the rulership of the Indian plains was in those days sure to be followed by the recurrence of chronic invasions from Central Asia. Thirty years after Aurangzeb's decease Nadir Shah, the Persian soldier of fortune, who had overturned the ruling dynasty in Persia, came down through the Afghan passes with a great army. The Mogul emperor made but a show of resistance; Nadir Shah sacked Delhi, added one more massacre to the bloodstained annals of the ill-fated city, wrenched away from the imperial crown all its possessions west of the Indus, and departed home leaving the Mogul government, which had received its death-blow, in a state of mortal collapse. The barriers having been thus broken down, Ahmad Shah, of the Abdallee tribe of the Afghans, followed two years later. When Nadir Shah had been assassinated by the Persians, Ahmad Shah, who commanded a large body of cavalry in Nadir Shah's army, rode off eastward to conquer Afghanistan; and from that base he seized the whole Punjab between 1748 and 1751. Meanwhile from the south-west the Mahrattas were spreading over central India like a devastating flood; and wherever the land had been levelled flat by the steam roller of absolutism, wherever the minor rulerships and petty States had been crushed out by the empire, the whole country was now easily overrun and broken up into anarchy."[1] The strife over the spoils of the Mogul Empire "had assumed the character of a wide spreading free fight, open to all comers. But as any such contest, if it lasts, will usually merge into a battle between distinct factions under recognised leaders[2] so the rapidly increasing power of the Mahrattas, who came swarming up from the south-west,

[1] *Lyall*, 51-3.

[2] Cf. the Wars of the Roses in England, where the various feudal lords gradually grouped themselves under the standards of York or Lancaster.

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and the repeated invasions from the north-west of Ahmad Shah the Abdallee with his Afghan bands, drew together to one or the other of these two camps all the self-made princes and marauding adventurers who were parcelling out the country among themselves." Roughly speaking the Mahrattas represented the Hindu revolt against Muhammadan dominion, while the Muhammadan leaders (whether or not they nominally owed allegiance to the moribund Mogul Empire) followed the standard of the Abdallee. The victory of the latter on the historic field of Panipat[1] was mainly due to that unity of command in battle which had generally determined the issue in favour of the Muhammadans in their contests with Hindus. But the results of the victory were disproportionate to the sternness of the contest. Laden with booty, the troops of Ahmad Shah returned to their highlands.[2] Mahratta expansion was checked, but the political vacuum thereby created was not effectively filled up. It was a far different competitor who eventually took the place left clear by the Abdallee in the Indian sun.[3]

The European traders.

Political events in Western Asia had continued to affect the trade with Europe,[4] which followed the Black Sea route to Constantinople, till misrule, fiscal oppression, and Turkish attacks ruined the Byzantine Empire. As Constantinople declined, Venice and Genoa, the Mediterranean cities which lay beyond the desolating range of Turkish conquest, rose into splendid prominence, as the *entrepôts* of a trade via Egypt and the Red Sea. But with the Turkish conquest of Syria and Egypt[5] this route was closed, and the cities of the inland sea lost their former advantage of position. The discovery of the Cape route to India transferred this advantage to the nations of Western Europe of which Portugal was the first to take the field. " In the closing years of the sixteenth century the Portuguese were indisputably masters of the Indian seas, not so much from their own strength as from the failure of the Asiatic nations to realise the nature of sea-power. This power was secured to the

[1] 1761.

[2] cf. the similar action (nearly contemporary) of the Highlanders under Prince Charles Edward in 1745-6.

[3] *Lyall*, VIII. 3; *O'Dwyer*, 151; *Festing*, 410, 413-9; *Holderness*, 56.

[4] p. 132.

[5] 1516.

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Portuguese by the acquisition and fortification of naval bases." But the strength of Portugal was overtaxed by the enterprises carried on simultaneously in Asia, Africa and Brazil, and in 1580 all the vitality was crushed out of Portugal by her annexation to Spain, who drained Portuguese resources in the interests of Spanish military adventures in Europe and America. Moreover, union with Spain brought the Portuguese into conflict with the Dutch, who had successfully asserted their independence of Spain, and were attracted by the profitable spice trade to the Indian Ocean. "The insistent European demand for pepper and cinnamon, cloves, mace and nutmegs arose partly from their use in preserving meat for winter consumption, and partly from the taste of the time."[1] The demand for spices declined with the improvement in English agricultural methods in the eighteenth century, which provided for the stall feeding of cattle throughout the winter. But in the seventeenth century the spice trade led on the Dutch from trading voyages to "factories" (or agencies), then to forts to protect the factories, and finally to territorial sovereignty in the neighbourhood. The English were imitators of the Dutch, and were considerably weaker till the end of the seventeenth century, when the French attacks on Holland weakened the Dutch at their base, and drove them to virtually abandon India and concentrate on the spice islands to the east. India was thus left free to the English East India Company, whose charter from the Crown devolved certain necessary sovereign rights, in particular that of waging war, on a body originally framed for purposes of trade only. The later attempt of France to obtain a footing in Southern India was eventually foiled, partly by the military capacity of Clive, mainly by the superiority of English sea-power, which cut off French reinforcements; and finally by Clive's victory at Plassey[2] over the miscellaneous collection of mercenaries which constituted the army of the practically independent Mogul governor of Bengal. The latter-day Mogul armies were no longer governed by the military principles which had been followed by the old Muhammadan invaders; and the victory of Clive was in tactical essentials but a repetition of the victories gained by Alexander, Tamerlane, and Baber. Its result was to open out for the English a much larger and more

[1] *Moreland*, 21. [2] 1757.

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important field of war and diplomacy in Bengal, where the French from that time found no footing.[1]

Mogul administration of Bengal.

In Bengal the Mogul land revenue system had reached the last stage of degeneracy. The Mogul governor had become virtually an independent ruler, and he collected his revenue through farmers,[2] some of them the heirs of old Hindu chiefs, but many of them speculators, courtiers, and *quondam* officials. The theory that such farmers should collect the land revenue from the villages and hand over to the Government all but their own commission of one-tenth had long fallen into desuetude, though a capable governor occasionally endeavoured to enforce it. The custom of getting further revenue by levying cesses on the original demand instead of by a fresh estimate of the resources of the estate, carried out by State revenue officials, served directly to enhance the power of the farmer and depress that of the cultivator. Not only had the farmer all the sovereign's inherent right to the waste, but he could eject any cultivator for failure to pay land revenue. His powers rapidly approximated to those of a landlord (in the English sense) with an ability to rackrent his tenants which he did not scruple to use. The revenue staff of village accountants and *qanungos* (or subdivisional accountants)[3] became unnecessary, and this valuable check on the accounts of the revenue farmer (or Zemindar, as he was called in Bengal) gradually disappeared, and could not be revived even when such revival was considered desirable. The village community was destroyed and all village rights were obliterated. Consequently when the victory of Plassey laid Bengal at the feet of the English, the latter found themselves responsible for a system of administration which was already in an advanced state of decay; and the assumption of power without responsibility by a trading company only made the corrupt confusion worse confounded. It was to remedy this that Clive obtained (for a consideration) the grant of the rights of civil administration[4] from the now nearly powerless Mogul Emperor. But the Company shirked responsibility. "Consequently the law courts and the police were still in charge of native officers, superintended to some little extent by the Company's agents, but under separate

[1] *Lyall*, 7-11, 78; *Jenks*, 138; *Moreland*, 6-21; *Warren Hastings*, 5-7; *L.S.B.I.*, vol. I, 30-1.

[2] pp. 123-5. [3] pp. 37, 123 n. 3. [4] *Diwani*.

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judicial and executive departments which the Company did not undertake to administer. But the essence of government is to be one and indivisible, so that the machine will not run unless all the driving power centres ultimately under one prime mover, whether it be an autocratic prince or a democratic assembly." In Bengal this dyarchy resulted in masterless confusion. "The magistracy, the police, and the revenue officers, being diverse bodies working upon different systems with conflicting interests under no common head, vied with each other in mismanagement; there were no positive laws and there was very little justice in the country."[1] The resulting scandals caused Parliament to interfere and under the Regulating Act[2] Warren Hastings was appointed Governor-General subject to the handicap of a mutinous Council, over which he had no authority, and of a Supreme Court of Justice which denied him any powers of legislation. In spite of these difficulties and those caused by a series of exhausting wars with the Mahrattas and other native states, and by the necessity of converting commercial clerks into civil administrators, Warren Hastings nevertheless found time to overhaul the administration of Bengal.

British Land Revenue Theory.

The most serious administrative problem confronting him arose from the condition of the land revenue administration. Hindu theory had recognised the royal right to a share of the produce and to the control of the waste.[3] Muhammadan theory recognised the right of the conqueror to take the land of the infidel; but when this right was remitted on condition of payment of a land tax,[4] Muhammadan and Hindu theory came to very much the same thing. But in practice the right to plunder the infidel did render State claims much more exorbitant than before, and when under the conditions of revenue farming which prevailed in the later Mogul Empire the farmer's claims became practically equivalent to those of landlords of the English type, the idea naturally arose that the State was landlord, and that the farmers were exercising the natural State claims. The disentangling of a consistent principle from these conflicting theories was for the British no

[1] *Lyall*, 149-50.

[2] *L.S.B.I.*, vol. I, 136-7, 148, 183-6, 258-9, 282, 417, 432-3; *Taxation Committee*, 53, 81; *Lyall*, 131, 144-53.

[3] pp. 39, 68, 71-2.

[4] *khiraj*, see p. 105 n. 9.

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easy task, and was a matter of some time. Roughly the line taken up was to first assert the right of the State to complete ownership (an idea borrowed from English legal theory and foreign to oriental conceptions) and then to voluntarily remit to those whom it was decided to term landowners all except the original royal rights. In Bengal these ownership rights were ultimately handed over to the revenue farmers, so that the rights of the cultivators and the village communities, which had already been overridden in practice, were now abandoned even in theory. In retaining the old royal right to waste lands, the greatest tenderness was exhibited to all possible rights either of property or of user. In some cases such lands were leased or sold to cultivators or capitalists for special purposes such as the introduction of tea, coffee, cinchona or other valuable staples. Other waste lands were constituted State Forests, or used for establishing Government buildings, farms, or grazing grounds. Other subsidiary rights retained were the right to minerals, and to the water in lakes and streams. The State also retained the right to escheat, and to the disposal of estates forfeited for crime or rebellion. It also regarded all land as hypothecated as security for the land revenue, such hypothecation necessarily implying a right of sale in case the revenue fell into arrears.[1]

The work of Warren Hastings.

Hastings made every effort to protect the cultivator from extortion or eviction by the revenue farmers. " Supervisors " were appointed to study the revenue history of the province, and thus ascertain what were the real limits of the " estates " held by the revenue farmers, the quantity of land which they were entitled to have free of revenue, and the payments which the actual cultivators of the soil ought to make in each estate. To protect the cultivators from the exactions of the revenue farmers, leases[2] were to be granted them stating exactly what they were to pay.[3] This attempt, however, failed, and Hastings decided to undertake a more direct measure of control. The revenues were farmed out and English " Collectors ", with each of whom

[1] *Baden-Powell*, 297 ; *Lyall*, 131, 144, 148-53 ; *Taxation Committee*, 81, 82 ; *L.S.B.I.*, vol. I, 31, 230-5 ; *Moreland Akbar*, 96-7 ; Barkley, C., 1 ; S., 1 ; Introduction, 1.

[2] *patta*.

[3] *Hastings*, 171-2 ; *Taxation Committee*, 54 ; *L.S.B.I.*, vol. I, 392-4.

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was associated an Indian,[1] were appointed to receive them. The farmers already in possession were allowed to remain unless they refused to contract for the sums of revenue demanded.[2] Stringent orders were given to prevent the farmers robbing the cultivators by enhancing rents or demanding extra cesses. But the old Mogul revenue staff of village accountants and *qanungos* had disappeared or existed only in name, and it was impossible to exercise any such check effectively. Finally under the stress of a terrible famine the whole arrangement collapsed, and (under orders from the Court of Directors of the Company in England) the Collectors were abolished and the province was divided into six revenue "divisions" with a Revenue Council for each, and all under the supervision of a Central Revenue Committee. The withdrawal of the district "Collectors" was a most unfortunate step, and the new arrangement was worse than that which it superseded. Hastings accordingly appointed a commission to collect information about the land tenures, and to formulate measures to preserve the interests of the actual cultivators, whom he perceived to be the real ultimate producers of revenue. He did not wish to commit himself to a final arrangement with the revenue farmers without fuller knowledge. In pursuit of this object the divisional Revenue Councils were abolished, and a Metropolitan Revenue Board appointed as a body of experts on matters connected with the Land Revenue administration. If Hastings' reputation did not rest on the courage and ability with which he upheld his country's cause against the attacks of its enemies, he might have won fame as the first of a long line of British officials who have devoted themselves to the task of rescuing the peasantry of India from their oppressors. But Hastings' efforts on their behalf only formed an additional count in the articles of impeachment brought against him, on his retirement, by the most corrupt and incompetent House of Commons that has ever disgraced the name of England. The diabolical cruelties attributed to this Revenue Board by Burke[3] would (he threatened) bring Divine vengeance on the British Empire unless Hastings was punished. At a time when England was full of the incompetent Whig generals and statesmen who had just succeeded in losing

[1] Known as *Diwan*.

[2] *L.S.B.I.*, vol. I, 394-5, 664; *Taxation Committee*, 54.

[3] Who was conducting the impeachment.

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America, it was perhaps tactless on the part of Hastings to have preserved an empire in India without any assistance from the ruling oligarchy in England. The history of the sons of Zeruiah, of Pericles, Hannibal, Belisarius, Joan of Arc, Earl Warwick the king maker, Wallenstein, Dupleix, Lally, and Clive might have taught him that too great services rendered only raise envy, hatred and malice in the mean minds of princes and politicians. Fortunately the reputation of these great men does not rest on the treatment they received from those whom they served only too well.

> Fame is no plant that grows on mortal soil,
> Nor in the glistering foil
> Set off to the world, nor in broad rumour lies;
> But lives and spreads aloft by those pure eyes,
> And perfect witness of all judging Jove;
> As he pronounces lastly on each deed,
> Of so much fame in heaven expect thy meed.[1]

Lord Cornwallis, the English landlord.

While Warren Hastings was saving an Empire in India, Lord Cornwallis had lost one in America; and it was therefore not unnatural that Warren Hastings should be impeached, and Cornwallis appointed Governor-General in his stead with increased powers. The Governor-General could now in emergencies act without consulting his Council, he and his Council were supreme over the Madras and Bombay authorities, and they could legislate by means of "Regulations" which the Supreme Court was bound to respect. Above all the Governor-General was responsible to the Home Government and not merely to the East India Company. Thus the ministry of the day became responsible for his actions, and was practically bound to support him.[2] It was unfortunate that these tremendous powers were first entrusted to Cornwallis, the Nikias or Galba[3] of English History, one of those worthy people whose very virtues only make more dangerous their inherent incompetence. That he was a gentleman and a man of honour was shown by his refusal to yield to the common temptation of trying to enhance his own merits by encouraging abuse of his predecessor. The snarlings of Burke and Sheridan roused no

[1] *L.S.B.I.*, vol. I, 396-7, 664; *Hastings*, 91, 138-9; *Taxation Committee*, 59.

[2] *Innes*, 187-91; *Holderness*, 59, 161-4; *L.S.B.I.*, vol. I, 669; *Lyall*, 191.

[3] cf. *Tacitus'* epigram, *omnium consensu capax imperii, nisi imperasset*,

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echo in India, and Cornwallis himself manfully gave evidence in favour of Warren Hastings. But his incompetence was shown in his unnecessary surrender of Yorktown to the American rebels, and the still more unnecessary surrender of the rights both of the State and of the peasantry to the Bengal revenue farmers. More and more these " farms " were getting into the hands of Hindus who were better financiers, though worse administrators, than the Muhammadans. A somewhat analogous development had been taking place in England. In the Middle Ages the small-holders, the " yeomen " of England were the foundation of the military strength of the country, and their valour had been effectively demonstrated against all the chivalry of France. The same class had furnished the sea-rovers who broke the power of Spain ; Drake and Raleigh were of yeoman families. The yeomanry, conspicuously the Cornish, formed the backbone of the Royalist armies in the Civil War, and successfully defeated the scratch armies of the mercantile classes and large land-owners till Cromwell transformed the latter by the discipline of the New Model. But the Whig Revolution of 1688 proved the doom of the small-holder in England. The great Whig landlords controlled both Houses of Parliament which passed bill after bill for the enclosure, by the great landlords, of such of the common lands as had survived out of the great communal system of the Middle Ages. And ever at the heel of the great Whig landlord came the lawyer, distraining, evicting, and using all arts of legal chicanery to ruin the men who had formed the life blood of the nation. Finally the Parliament of landlords made their own land tax unalterable. But there was something to be said for these landlords. The old English agriculture was obsolete. Headed by Farmer George[1] the great landlords introduced new agricultural implements, new rotations of crops (including especially root crops), and founded the breeds of English pedigree stock which have since been the wonder of the world. Moreover the great landlord was generally a beneficent tyrant. He took a paternal interest in the interests of his tenants, and in their moral and material welfare. On the whole the English agricultural revolution of the eighteenth century was beneficial and even necessary for agricultural progress, though it was carried out with too little regard for the rights of those whom it superseded. Yet to the

[1] George III.

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landlords of the time the change seemed wholly good, and of these Cornwallis was one.[1] In his view a proper agricultural system demanded great landlords on the English model and the revenue farmers were the only persons who bore even a superficial resemblance to the English landlord. Moreover, it seemed impossible to do without them. Mogul and British governors had alike endeavoured to restrict their powers, but in vain. The Mogul revenue staff had practically disappeared. The revenue farmer not only relieved the *qanungos* and village accountants of all responsibility to the State, thereby making them careless about keeping their records and accounts; but he strongly objected to the maintenance of records showing the details of authorised rents due to him from the actual cultivators. So the *qanungos* got no information, and the village accountants kept only such accounts as the revenue farmer required for his own purposes. Thus the *qanungo* became an official shadow, and the village accountant the bondslave of the revenue farmer.[2]

The Permanent Settlement of Bengal.

Lord Cornwallis had been ordered to make an enquiry as to the real jurisdiction, rights and privileges of the "Zemindars, taluqdars and jagirdars"[3] (the peasantry were characteristically not even mentioned) under the Mogul and Hindu governments that preceded the East India Company, and the amounts which they were bound to pay. After making what he considered a thorough enquiry, Cornwallis precipitately recommended a "permanent settlement", i.e. that a "settlement" or agreement should be made with certain individuals granting to them and their heirs in perpetuity the landownership of Bengal on condition of their paying fixed sums as land revenue.[4] It was assumed that for every parcel of land or group of villages "there must be some person with whom Government should settle and further, that this person, or middleman between the cultivator and the State, should be vested with a proprietary interest in the land. The benefits and obligations in such an arrangement or contract were to be

[1] *Innes*, 198: *Chesterton*, 212; *L.S.B.I.*, vol. I, 187.

[2] *L.S.B.I.*, vol. I, 283-4, 398, 402, 434-5, 674, 678.

[3] *Zemindars*, see p. 119, n. 1; *taluqdars*, those in charge of a *taluqa* or portion of a district (in practise much the same as a Zemindar); *jagirdars*, those possessing a *jagir* or assignment of the State land revenue in a specified area.

[4] *Lyall*, 193; *Taxation Committee*, 54, 55.

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reciprocal. The Government was to have some one who was to be looked to as responsible, in person and estate, for punctual payment; the person was to be given the means of discharging his responsibility by having a secure title to the land for which he engaged". If he agreed to the terms offered he was to be irremovable. "He was to be at liberty to raise money on the credit of the land, to sell or gift it, or pass it on to his children by inheritance or bequest, as the case might be. In other words, he was to be declared and legally installed as proprietor or landlord." The estates of minors and others unable to take care of their own rights were placed under a Court of Wards and managed on behalf of the incompetent owners. This making of a settlement for every piece of land with a definite individual, who was thereby declared to be the owner of that land, was a new principle introduced by the British, and followed by them in all subsequent land revenue arrangements throughout India. But the characteristic feature of the Bengal settlement was the gift of this ownership to the revenue farmers of the previous Government to the entire obliteration of all other rights and in particular those of the cultivators themselves.[1] Moreover these proprietary rights applied not only to the cultivated land, but also to the often very large areas of waste land in each estate. The rights of the State to all waste land were recognised by both Hindu and Muhammadan theory and had been definitely asserted by the British. Nevertheless Cornwallis granted the Zemindars full proprietary rights in these potentially very valuable lands, and as these were entirely unassessed, all the immense subsequent extension of cultivation was so much clear profit to the new owners.[2] Moreover the amounts assessed were arbitrary. The opinionated Cornwallis definitely forbad the Collectors making any enquiry into the area, fertility or productive power of the land held in each case, or of the influence of proximity to markets and facility of communication on the value of produce. The Collectors were simply directed to make the best estimate they could of a fair lump sum for the whole estate, on a consideration of what sums had been paid in the past, and on the general prosperity of the owners. The question of ownership was decided by reference to the *qanungo*,

[1] *L.S.B.I.*, vol. I, 286, 410.

[2] *L.S.B.I.*, vol. I, 409, 440. Cf. *Calvert*. 122n.

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who was merely asked who was the Zemindar of the particular village under enquiry, by a Collector sitting in his office at headquarters. The result was that while some Zemindars made enormous profits from the assessment, others were assessed with undue severity. Assessments of the latter kind were followed by a vast number of sales for arrears of land revenue. And as these sales introduced purchasers who necessarily had a *clear title*, any possible claim of the cultivators was finally obliterated.[1] Government had indeed in theory reserved the right to introduce any measure they might think necessary for the protection of the cultivators, but in practice the latter were left to the tender mercies of the Zemindars, who did nothing but rackrent them, or hand them over to rent-farmers, who did so still more. They made no improvements, and their wealth did not augment the general revenue by income from other sources of indirect taxation. The suppression of the land revenue staff, the lack of any record of agricultural statistics, allowed free play for endless litigation; and anything that the peasant could save from the exactions of the Zemindar, was fleeced from him by the lawyer.[2] But though the Zemindars as a whole proved a bitter disappointment to the protagonists of the Permanent Settlement, there were exceptions. Large areas of waste land were brought under tillage by the colonies of peasants planted by the more progressive Zemindars. They also introduced vast agricultural industries which, if they had been placed under timely regulation would have added as much to the comfort of the people as they did to the wealth of the country. But that wealth was obtained at the expense of the rest of India, which, till the Reforms Scheme separated the finances of the different provinces, had to make up by additional taxation for the money which was lost to the State by the Permanent Settlement.

> 'Tis not in mortals to command success,
> But do you more, Sempronius, *don't* deserve it,
> And take my word you won't have any less,
> Be wary, watch the time, and always serve it.[3]

Needless to say Cornwallis returned to England in a halo of glory, and returned to India to die in the odour of sanctity.[4]

[1] *L.S.B.I.*, vol. I, 287, 289, 414-5, 439; *Taxation Committee*, 55.
[2] *L.S.B.I.*, vol. I, 290, 403, 407, 421-2.
[3] Byron, *Don Juan*, xiii. 18.
[4] *Innes*, 200; *Maine*, 152-4, 163-4.

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2. The North Western Provinces[1]

Annexation of the North Western Provinces.

Whilst the lethargic Cornwallis was muddling along in Bengal, the Mahrattas were rapidly advancing to supremacy in India. Sindhia, the most powerful of the Mahratta chiefs, with a well-disciplined force of forty thousand men recruited from the martial races of Northern India and commanded by French officers, had still further increased his prestige by obtaining his nomination as Viceregent of the Mogul Empire. Fortunately Cornwallis was succeeded by Lord Wellesley, a Governor-General of a very different mettle. England was then at death-grips with Napoleon in Europe, and the new Governor-General had full authority to make India safe at all costs. This was no easy task. The Jats and Rajputs of Sindhia's armies were more than a match for the rice-fed Bengali and Madrasi sepoys[2] of the Company, and it was fortunate that most of the French officers had left Sindhia's service when the critical struggle took place. Eventually the Mahratta power was broken in a series of crushing defeats, and by a series of treaties the principle native states were brought under British control. They were isolated from each other, and required to accept for the protection of their territories "subsidiary" forces raised and controlled by the Company; and their external policy was also subjected to restraint.[3] To maintain its subsidiary force Oudh, the practically independent Mogul State to the north-west of Bengal, ceded a large slice of territory, and this together with another large area conquered from the Mahrattas formed the North Western Provinces. The part of the conquered territory which lay to the west of the Jumna river, known as the Delhi Territory, was not then brought under direct British administration.[4] Originally it was intended to form the North Western Provinces into a new Presidency, on the analogy of the three existing Presidencies of Bengal, Madras,

[1] Known as the United Provinces since Lord Curzon inaugurated the Frontier Province in 1901.

[2] *sipahi*, soldier; the term generally used for native soldiers in British employ.

[3] *Lyall*, 184, XIV, 3; *Holderness*, 60, 192; *O'Dwyer*, 152; *Thorburn, P.P.W.*, 2-3.

[4] *L.S.B.I.*, vol. I, 41-3, 298; *P.A.R.*, 14; *S.M.*, 16; *L.S.B.I.*, vol. II, 4.

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and Bombay, but eventually, though separated from Bengal,[1] they remained part of the Bengal Presidency under a Lieutenant-Governor instead of a Governor.[2] It was at once obvious that the revenue administration of the newly annexed territories presented marked differences from that of Bengal. Situated on the fluctuating border line between the derelict Mogul Empire and the advancing Mahrattas, they had endured all the ills which arise from a constant change of rulers. "Powers that are firmly established have time to organise and be moderate, while conquerors, whose tenure is precarious, have no other thought than to wring the utmost out of the population while they may." The most fertile districts were rapidly becoming a desert, and lands which had recently been cultivated, were becoming covered with long grass. The revenue was generally handed over to farmers, and was so heavy that, after paying it, the cultivators had no stock left. At sowing time the farmer had to advance money, seed, cattle and even the instruments of husbandry, and the value had to be repaid out of the crop, with interest. But this grinding taxation was elastic, and the chief skill of these revenue locusts consisted in their aptitude for taking or letting go in each season, according to what was possible, without actually causing the cultivator to abscond or his family to starve. Moreover the village communities had often preserved that form of joint ownership, which characterised the tribal system of northern India.[3] Land revenue collections were made direct from the actual cultivators, after consultation with them at the commencement of agricultural year[4] through the agency of the village headmen, who became responsible for collecting the amount and for paying it into the hands of the Government officer or farmer. Official sanction was generally required to all transfers of land, and for bringing new land under cultivation.[5] Thus the cultivator occupied a more prominent position in these provinces than in Bengal, and the desirability of dealing with him direct was further emphasised by the new settlement systems of Madras and Bombay. In Madras the village community survived in its most primitive form, free from the tribal influences which had modified the village constitutions of northern India;[6] and even where high-caste

[1] In 1834-6.
[2] *L.S.B.I.*, vol. I, 32, 36, 41.
[3] pp. 23-4.
[4] 10th September; see p. 122.
[5] *Barkley, Introduction*, 9.
[6] pp. 18-25.

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families or colonising adventurers had once established groups of superior joint owners, the results of later Hindu and Muhammadan conquests had been to destroy such rights and to reduce the village cultivators to a common level. It was therefore decided to deal direct with the individual cultivator, assessing each field separately every year in proportion to its productivity and other considerations, such as proximity to markets, which affected the value of the produce. The waste was retained in the hands of the State as a means of extending cultivation and increasing the revenue; but any man was at liberty to apply for a portion of the waste on agreeing to pay the revenue which would become due on it according to its class. In Bombay the system adopted was very similar. The country had been nearly ruined under the farming system of the Mahrattas, and the system adopted only differed from that of Madras in the meticulous care devoted to the accuracy of the assessment, and the thorough control exercised over the village accountants and subordinate revenue officers.[1]

Early Settlements in the North-Western Provinces.

But the growth of these views was slow and in the meantime the North-Western Provinces lay crushed under the heel of the Bengal administration, which was practically equivalent to the Government of India. The Board of Revenue at Calcutta was still obsessed with the idea of a permanent settlement. It was very difficult for their ideas to get beyond those of the English lawyers of the period, whose phraseology was expressed in terms of the Whig landlord system of the eighteenth century in England, which they had defined in terms of a legal jargon whose mystery gave it a peculiar sanctity to the uninitiated. And to the jargon of the lawyers was added that of the new political economists, whose practical experience was similarly limited to the England of the period. Observing how the Whig landlords rackrented their tenants, these "economists" laid down that such competitive rents were "natural" rents, and they came to regard all other rents as being against nature. From this the inference was easy that every piece of land must have a landlord, that that landlord should have tenants and that those tenants might justifiably be rackrented. Out of this system of bad jurisprudence and worse political economy grew the English Whig doctrinairism of the nineteenth century, a fungus growth

[1] *Taxation Committee*, 56; *L.S.B.I.*, vol. I, 292-4, 316-9.

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which infected the mentality of the Indian Secretariats of the period.[1] The age of chivalry was gone, that of sophists, economists, and calculators had succeeded. Dominated by these ideas the Calcutta Board of Revenue issued orders that after three temporary settlements a fourth *permanent* settlement should be made.[2] In accordance with these instructions engagements for the temporary settlements were at first generally made with revenue farmers; but this was soon seen to be a mistake by the men on the spot. Even then, however, the disinclination on the part of the joint owners of villages to undertake responsibility for the payment of a cash assessment frequently led to the offers of farmers being accepted. Even where owners engaged, this as a rule only meant that a few of the leading owners[3] were allowed to make what arrangements they could for collecting from the remainder, whose status was lowered by the denomination of "under-tenants", and of whose rights and liabilities no record was kept. The leading landowner was treated as if he were sole proprietor of the estate, however small his actual share might be. If once an engagement had been taken from him, it was only with his consent that the other landowners were permitted to engage at a subsequent settlement. In this way the rights of large bodies of peasant owners were overborne, and were in imminent danger of being obliterated.[4] Bad as was the process of assessment, the means employed for collection were far worse. The first revenue assessments were often excessive, and if payment fell into arrears, the estate was put up to auction, very often at the instance of a designing purchaser, who had contrived the default by unknown but nefarious means. The auction purchaser, who was very often a revenue official or one of his underlings, became landlord, and all private rights of ownership were annulled in his favour. The establishment of law and order by the British was hardly adequate compensation for the rigid and irresistible inelasticity of the new revenue system, which proved hardly more tolerable than the perfectly unconscientious but elastic system (or want of system) that had preceded it. The evils of native rule had been tempered by the chances of fortune, the excitement of a fight, and the occasional gains that might accrue to any one possessed of exceptional energy or skill. But from the inexorable British

[1] *Maine*, 182-3.
[2] *L.S.B.I.*, vol. I, 300-1; *S.M.*, 16.
[3] Called *sadr malguzars*.
[4] *S.M.*, 16, 17.

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land revenue system there was no escape. The powerful machinery of a civilised government was rapidly breaking up the village communities which had survived the crushing exactions of the tyrannies which it had replaced. The extent of the evil may be gauged by the extraordinary nature of the remedy applied with very partial success in 1821. A Commission appointed to go into the question of a permanent settlement was given power to annul any transfer of land which had taken place before 1810. This Commission ultimately developed into the Board of Revenue of the North Western Provinces.[1] Under it were appointed Commissioners of Divisions, each consisting of as many districts as could be frequently visited by the Commissioner. At first the Commissioners had in addition to their land revenue functions full civil and criminal powers, subject only to the supreme Court, but afterwards both these latter powers were withdrawn and at the same time the Divisions made larger.[2]

Holt Mackenzie emphasises the claims of the village communities.

The labours of the Commission were concluded by a report to Government, on which Holt Mackenzie, then Secretary to the Government of India, Territorial Department, wrote a most valuable minute. This remarkable State-paper, whose proposals were accepted and embodied in a Government Regulation, not only laid the foundation of the settlement system of northern India and the Central Provinces, but was the starting point for a proper understanding of the systems of land tenure which prevailed in those provinces.[3] "The minute complained that the words 'possession' and 'property' were commonly used without any definition of the nature of the possession or the sort of property. 'Long possession' of superior holders might mean that they had every right to certain emoluments and privileges, without altering the property in the soil. There was, again, 'a tendency' to draw evidence of proprietary right rather from the records of Government than from local inquiry into the facts of actual possession, and to convert the representatives of the village community and the managers of its concerns with Government into the sole proprietors of land." The policy recommended was to restore the rights of the village owners,

[1] *S.M.*, 18; *L.S.B.I.*, vol. I, 137, 299; *L.S.B.I.*, vol. II, 14.
[2] *L.S.B.I.*, vol. I, 301, 665-7.
[3] *L.S.B.I.*, vol. I, 301; *L.S.B.I.*, vol. II, 20; *S.M.*, 20.

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who were to be recognised as landlords, but settled with, not individually, but as a joint-body. That body was jointly and severally liable for the revenue area determined by a survey as appropriated to the village, whether cultivated or waste. There were some cases where villages were clearly owned by big Zemindars ; in these the Zemindar was declared proprietor *par excellence*, while the villagers became subordinate proprietors, their rights being protected by a sort of secondary[1] settlement. This latter determined what they were to pay to the overlord, just as the main settlement determined what he was to pay to Government. Generally, however, the overlords were set aside, and settlements were made direct with the villagers.[2] To attain these ends the villages were to be surveyed, and an Indian Domesday Book[3] drawn up showing the rights and interest of every person sharing in the ownership of the soil, including the rates of rent demandable from all resident tenants. The Collector of the district was given power to give a summary decision on all cases connected with rights in land. His decision, even when upheld by the Board of Revenue, was not indeed final, as the defeated party had the right to bring a regular civil suit. " But an immense step forward was taken when disputes regarding rights in land were in the first instance submitted to an officer whose duties forced him to make a careful study of the peculiarities of Indian tenures, and who could hear the cases in the village in the presence of the assembled brotherhood. It is the great merit of Holt Mackenzie's scheme that it moved every part of settlement work " from the office to the camp. The first step towards preparing such a record of rights consisted in the division of all the inhabited part of the country into estates,[4] which were for the most part identical with villages.[5] A more

[1] *mufassal.*

[2] *L.S.B.I.*, vol. I, 302 ; *L.S.B.I.*, vol. II, 21-24 ; *S.M.*, 21.

[3] William the Conqueror's Domesday Book was the first and last attempt at a proper land records system in England. A strong executive officer, his object was to get disputed points cleared up ; in contra-distinction to the lawyers who ruled later-day England, and whose object was to make rights indefinite so as to provide subject-matter for litigation (*Irvine*, 124).

[4] *mahal.*

[5] *mauza.* The term village for land revenue purposes denotes not merely the village site, but the whole area cultivated, or owned, by the inhabitants of the village. Thus in some ways it would correspond better with the English terms parish, manor, or township, if those terms did not imply other attributes which render their employment for this purpose undesirable.

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difficult task was the determination of those who were entitled to the proprietary rights in land which the limitation of the Government revenue demand now rendered valuable. In one village the whole body of cultivators might have acquired such rights by conquest in time of war or by violence in time of civil commotion. They might have built the houses, dug the wells and planted the groves in the estate. In another these rights would attach to that portion only of the whole body of cultivators, who were the descendants of the original founders or conquerors or grantees of the village. They might still hold their lands on lower rates than the others, receive dues from them and have a prior title to the village waste. In some cases such special rights might be limited to the headman of the village or a big Zemindar might possess them in several villages. Where there were proprietary bodies they would be represented by headmen[1] who would be responsible for the collection of the land revenue from the other proprietors and its payment into the treasury.[2] Having decided who, as proprietors, were liable to pay land revenue it remained to determine the amount due from them. The standard fixed was lowered from the 91 per cent of the rental which had nominally been the basis of the permanent settlement of Bengal to a proportion of five-sixths. This standard was, however, only to operate in the case of enhancements, reductions being only allowed on the clearest grounds of necessity. The data on which the assessment of an estate was based and the reasons for the actual land revenue imposed were to be embodied in an English Village Note-Book containing a mass of valuable statistical information as to areas under various crops, rents, prices and other similar subjects.[3] Unfortunately the procedure contemplated was too elaborate. The land revenue was to be based on a percentage of the rental, but though cash rents were common, the record of them by the village accountants was untrustworthy. Accordingly assessment proposals were not based on rent data, but were supported by elaborate but unconvincing calculations of the gross produce and its value, and after

[1] Now for the first time called *lambardars*, a corruption of *numberdar* i.e., a representative of the proprietary body who has a number in the Collector's register of persons responsible for the payment of land revenue.

[2] *L.S.B.I.*, vol. II, 22-3; *S.M.*, 22; *Barkley, Introduction*, 3-21.

[3] *L.S.B.I.*, vol. I, 303; *L.S.B.I.*, vol. II, 23; *S.M.*, 23.

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deducting from this the wages of labour, the profits of stock, and the percentage of the net assets allowed by the law to the landowner, the residue was assumed to be the share of Government. Too much detail was required on all points. In determining the revenue especially broad principles were liable to be lost sight of in the intricacies of a laborious calculation. Arbitrary rates were applied to innumerable arbitrary gradations of soil. No positive objection could be made to any step of the process, but no faith could be placed in the result. But in any case to make a record-of-rights for the first time in a country where the interests of different persons in the land were of so complex and often of so doubtful a character was an immense undertaking, and the task became hopeless when it was entrusted to Collectors fully occupied with the ordinary work of district administration. Ten or twelve villages were taken up at a time, and it was found after eleven years that nowhere was the settlement nearly finished, and that the periods regarded as necessary for its completion in different districts varied from three to sixty years.[1]

Bird's assessments on general considerations.

A fresh revision of the settlement of the North Western Provinces was accordingly carried out by Robert Bird, who was from 1833 to 1841 the Member of the Board of Revenue in charge of settlements.[2] John Lawrence and Montgomery (of later Punjab fame) sat at the feet of Bird, whose practical experience introduced important modifications into the principles laid down by Holt Mackenzie. Instead of an elaborate attempt to ascertain the net assets of the landowners and then take a definite proportion thereof as the Government share, Bird based his assessments mainly on general considerations, determined by a careful enquiry into the resources and past revenue history of the estates to be assessed. If they seemed prosperous it might be inferred that the previous assessment was light; if revenue instalments were not paid promptly, if cultivation was diminishing and cultivators were absconding it might be inferred that the previous assessment was unduly severe. In this way a general lump sum was ascertained which each estate could afford to pay, and this lump sum was tested by seeing how it would fall as an acreage rate on each different class of land included in the estate, and how such acreage rates would compare with what the Settlement Officer calculated

[1] *L.S.B.I.*, vol. I, 305; *S.M.*, 24, 26-7. [2] *S.M.*, 28.

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were reasonable rates for the different classes of land. On the whole Bird's settlements were successful and cultivation everywhere increased. But punctuality in payment of land revenue instalments was enforced by the prompt sale of estates; and as a result of this want of elasticity in revenue management many of the original proprietors disappeared.[1] These settlements were made and reported on separately for each subdivision of a district.[2] In making a settlement the first thing to be done was to lay down the boundaries of the villages to be assessed, a matter in those days often of great difficulty and one of the first importance for the peace of the country. As soon as this was effected, the topographical survey of the villages by the professional Survey Department on the scale of four inches to the mile could proceed. The Survey Officer also superintended the cadastral or field survey made on Mogul lines, but the village maps[3] and field registers[4] thus prepared were also checked by the Settlement Officer and his subordinates.[5]

Thomason's aggregate to detail method of assessment.

Thus Bird laboured and his successor Thomason entered into his labour, which he carried on to its conclusion and rendered fully effective, teaching his precepts to George Barnes, Charles Raikes and Richard Temple, who were afterwards to introduce them into the Punjab. Thomason's "aggregate to detail" method of assessment was only Bird's system in a more elaborate form. Though the Settlement Officer might ascertain the net produce of an estate for a series of years, yet, Thomason enjoined, he should realise that accuracy in this respect was difficult to attain, in view of the general combination of the villagers to mislead the Settlement Officer by falsehood, perjury, and the forgery of village accounts. It would be better to acknowledge at once that the operation was not one of arithmetical calculation but of judgment and sound discretion and to proceed openly on that assumption. Under Thomason's method a lump sum was first estimated on "general considerations" for an assessment circle (or circle of similarly situated villages), "and then this sum was divided so as to give the amount for each village. This lump sum was based on the previous

[1] *L.S.B.I.*, vol. I, 305-6; *L.S.B.I.*, vol. II, 28; *S.M.*, 25-30.
[2] *pargana*, about half the size of a modern *tahsil*; see pp. 37, 115, n. 6.
[3] *shajra*. [4] *khasra*.
[5] *S.M.*, 29; *Barkley, S.*, 2.

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assessment, with necessary modifications due to the rise in general prices, population, and improved irrigation or marketing facilities. The ease or difficulty with which the previous assessment had been paid was also taken into consideration, and the whole checked by the practical common sense of an experienced man on the spot. More specious reasoning was, however, required in the Assessment report, various calculations being set forth to illustrate or justify the totals proposed. The proposed village totals would then be worked backwards into the form of rates per acre of each different kind of soil and the rates would be justified by comparing them with rates got out by estimating the value of the produce per acre of each class of soil.[1] The standard of assessment was again lowered from five-sixths to two-thirds of the "net assets", the latter term being defined as the average surplus which the estate would yield after the deduction of the expenses of cultivation. Thus the net assets were equivalent to the economic rent of land, and where cash or produce rents were paid these might be taken as a rough guide to the net assets, even though they sometimes fell below the full economic rent. Where produce rents were paid, the landlord's share was generally one-third; and this was taken as the basis for working out the net assets from a produce estimate.[2] In 1855 the standard of assessment was finally lowered to one-half the net assets.[3] The idea of a permanent settlement had long been abandoned, but it was recognised that too frequent assessments deterred owners from improving their land, apart from the trouble and expense involved. These considerations suggested a term of thirty years, and this term was fixed (not by law but by executive order) for the majority of settlements, though in exceptional cases[4] shorter terms of twenty or even ten years were preferred.[5]

Thomason's methods in practice.

The settlements carried out on these lines were far better than any that had preceded them. Their defects were such as resulted naturally from the attempt to carry out very rapidly a difficult and

[1] *L.S.B.I.*, vol. I, 330-1; *L.S.B.I.*, vol. II, 40-6; *S.M.*, 28, 31.

[2] *L.S.B.I.*, vol. I, 231 note.

[3] *L.S.B.I.*, vol. I, 307; *L.S.B.I.*, vol. II, 29, 41-2; *O'Dwyer*, 96-7; *S.M.*, 32-3.

[4] e.g., in urban or irrigated lands where rapid development was anticipated; or in cases where the settlement was of a summary nature.

[5] *L.S.B.I.*, vol. I, 303-4; *S.M.*, 36.

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complicated piece of work. The maps prepared by the old-fashioned revenue staff were very rough, and the records of rights often imperfect. But the essential work was done, the rights of the great body of peasant owners were for the first time defined and safeguarded.[1] In the collection of land revenue too more discrimination was observed. The estates of large landowners whose revenue was in arrears were still put up to sale, but in bad seasons the land revenue of small land-owners might be suspended or remitted, and sale proceedings were only started when every other resource had failed.[2] The importance of the joint responsibility of the village community of joint landowners in coercing the idle and aiding the unfortunate was fully realised.[3] And cultivators who had been recent proprietors, but had lost their position, or whom the village body had always regarded as permanent and holding at favoured rates, were given (under the denomination of occupancy tenants) a qualified protection against eviction and rackrent.[4] Thus the British Government had conferred on the peasant proprietors a great gift, that of a valuable property in the land of which they had previously been only Government tenants. "*Timeo Danaos et dona ferentes.*" This Greek gift, sweet as honey in the mouth, proved very bitter in the belly. "The feature of the system" (quoth Thomason) "which is least understood by the people of India, and yet which is essential to the attainment of the objects it contemplates, is the compulsory alienation of landed property, either in satisfaction of a private debt under the orders of a Civil Court, or in liquidation of the demand of Government in virtue of the lien possessed by the Government upon the land. Abstractedly considered, this is the just and necessary result of the definite property in land which is created by the system, but it is a process unknown to the native Governments from the very absence of all recognition of fixed rights. Voluntary transfers of land were known under native Governments, but compulsory sales of land could not take place, because they would have implied a pledge on the part of the Government, which was never given, or a confidence in its moderation, which was never felt." Little was it realised that the British ruler, while apparently relinquishing

[1] *S.M.*, 34; *L.S.B.I.*, vol. II, 28.
[2] *Barkley, Introduction*, 29-30. [3] *Barkley, Introduction*, 22-3.
[4] *Maine*, 184; *L.S.B.I.*, vol. II, 171-4, 704-5.

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to the peasantry of the land rights which the mildest of his predecessors would have never dreamed of foregoing, was in reality depriving them of privileges which the most rapacious tyrants had left untouched.[1]

Occupancy tenants.

Side by side with the question of proprietorship came that of the right of those cultivating occupants, who were not proprietors, to a protection against rackrenting by the landlord. Such a right to fixity of tenure suggested itself in Bengal from the fact that the connection with the land of those whom the British recognised as proprietors was often far more recent than that of the actual cultivators. Warren Hastings had perceived the advisability of conferring some legal status on the cultivating occupant, but at the Permanent Settlement his pious endeavours were whittled down by Cornwallis to a vague right on the part of Government to legislate on behalf of the cultivators if it thought fit.[2] This negative attitude descended to the North-Western Provinces. But there the cultivator was less down-trodden than in Bengal and a Regulation[3] of 1822 enjoined an enquiry not only into proprietary rights, but also into the amount of rent demandable from the resident cultivators, whether possessing the right of hereditary occupancy or not. Little in this way was actually done, however, but the view was endorsed by Bird, who held that every tenant had a right to have his rent fixed by Government, however short his residence in a village, and that he was entitled to occupy the land as long as he paid the rent. Such rents should (he considered) be fixed for the term of settlement, and revised simultaneously with the revision of the land revenue. The Viceroy, Lord William Bentinck, was not prepared to go as far as this. He emphasised the distinction between the domiciled and the hereditary tenant. The one had always cultivated at the discretion of the landowner, the other's ancestors perhaps first broke up the soil and paid the revenue of the lands direct to the servants of the State. Whenever a resident cultivator had paid the same rent for a consecutive period of twelve years, it might be inferred that he had a right in the soil, and it was fair that neither he nor his successor should be subjected to an increase of rent. This distinction between occupancy tenants and tenants at will was elaborated

[1] *Barkley, Introduction*, 35-8. [2] p. 151.

[3] Equivalent to an Act of the Legislature (see p. 147).

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by Thomason. "Cultivators at fixed rates (quoth he) have a right to hold certain fields, and cannot be ejected from them so long as they pay those rates. They are not able to alienate them without the consent of the proprietors, but their sons or their immediate heirs, residing with them in the village, would succeed on the same terms as themselves. Nor are they competent of themselves to perform any act which is considered to indicate proprietary right, such as the digging of a well, or the planting of a garden, or the location of a labourer. Their simple right is to till their fields themselves, or to provide for their tillage, and for these fields they pay certain rates, and are in some cases liable to be called upon to perform certain services or to pay certain fees to the proprietors. So long as these conditions are fulfilled they cannot be ejected from their fields, and, if an attempt is made to eject them, they have their remedy by summary suit before the Collector. If they fail to pay the rent legally demandable, the proprietor must sue them summarily for the arrear, and, on obtaining a decree and failing to collect his dues, he may apply to the Collector to eject them." In determining which cultivators were entitled to such rights, prescription was the best method to follow. "Those who have for a course of years occupied the same field at the same or on equitable rates are held to possess the right of continued occupancy, whilst those whose tenure is not similarly sanctioned are considered tenants at will."[1]

3. The Rise of the Sikhs

Whilst the British were resting on their laurels and turning the sword of the soldier into the measuring rod and chain of the Settlement Officer; whilst the sepoy army was degenerating under Generals who reviewed their troops in buggies, and Colonels who held parades in pyjamas from the tops of bungalows, a formidable military power had arisen on the banks of the Sutlej. The vitality of this power lay in a new religion, which had its basis in one of the inevitable revolts of the human soul against the tenets of Brahminism. Many of these revolts were strangled at birth, but Sikhism, like Buddhism, came to fruition. Founded by Baba

Founding of Sikhism: Baba Nanak.

[1] *S.M.*, 196, 197.

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Nanak, a Khatri born near Lahore[1] in 1469, in its origin Sikhism had much in common with Buddhism. "Nanak and Buddha alike revolted against a religion overladen with ceremonial and social restrictions; both rebelled against the sore burdens which the priests would have them bear. But the form which the doctrines of each assumed was largely influenced by his surroundings. Buddha lived in the centre of Hindu India, and among the many gods of the Brahmins; these he rejected; he knew of nought else; and he preached that there was no God. Nanak was born in the Province which then formed the border land between Hinduism and Islam; he was brought up under the shadow of the monotheism of Muhammad, and he taught that there was one God." But that God was neither the God of the Muhammadan[2] nor of the Hindu,[3] but the God of the universe, of all mankind, and of all religions. The burthen of his teaching was, "there is no Hindu and no Muhammadan". He rejected the wisdom of the Scribes and the mint and anise and cummin of the Pharisees, and taught that salvation lay in repentance and in pure and righteous conduct. He believed in transmigration, but held that the successive stages were but purifications, and that at the last the soul cleansed from its sin went to dwell with its Maker. He did not despise or attack the Hindu and Muhammadan teachers; he held, indeed, that they too had been sent from God; but he preached a higher and purer religion, embracing all that was best in both, but purged from much of evil that had been allowed in either, because of the hardness of men's hearts. He declared himself a prophet, but he claimed neither direct inspiration nor miraculous powers. He prescribed no caste rules or ceremonial observances, and indeed condemned them as unnecessary and even harmful; but he made no violent attack on them, he insisted on no alteration in existing civil and social institutions, and was content to leave the doctrine of the equality of all men in the sight of God to work in the minds of his followers. He respected the Hindu veneration of the cow and the Muhammadan abhorrence of the hog, but recommended as a higher rule than either total abstinence from flesh. In short he attacked nothing, he condemned nobody; but he

[1] At Nankana Sahib, the scene of the massacre of Akalis in 1921.

[2] *Allah.* [3] *Parmeshar.*

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sought to draw men's minds from the shadow to the substance, to glorify what was highest and best in the religion of each; and was content to leave to all men, at least for a while, the outward and visible signs to which each was accustomed, if only he might bring home to their hearts the inward and spiritual grace which the empty form might perhaps conceal and obstruct but could not wholly destroy. Nothing could have been more gentle or less aggressive than his doctrine, nothing more unlike the teaching of his great successor Govind.[1]

Sikh feud with Islam (1539-1675).

The characters of Nanak's two sons were typical of the oriental tendency to extremes. The one, in disregard of his father's teaching, had become an ascetic and founded the Udasi sect of recluses, who renounced the world and domestic life; the other was wholly given over to pleasure. It was therefore Angad, one of his disciples, that Nanak appointed Guru or teacher, and it was not in his descendants, but in the nine Gurus who succeeded him that the Sikhs believed that the spirit of Nanak remained incarnate. Under Angad "an intolerant and ascetic spirit began to spring up among the followers of the new tenets; and had it not been for the good sense and firmness displayed by his successor Amr Das, who excommunicated the Udasis and recalled his followers to the mildness and tolerance of Nanak, Sikhism would probably have merely added one more to the countless orders of ascetics or devotees which are wholly unrepresented in the life of the people". The fourth Guru, Ram Das, was one of the holy men whom the tolerant "Akbar heard gladly, and to him was granted a piece of land to the east of Lahore. Here he made a tank, the Pool of the Water of Life, wherein still stands the Golden Temple, the holy place that is to the Sikhs what Mecca is to the Muhammadan, or Benares to the Hindu. In this pool the Sikhs—who are baptised into their religion by water—bathe before they pass into the temple enriched with spoils from Mogul tomb and palace, where the white-robed high priest reads the Granth or sacred book, and receives their offerings. Fans wave to and fro above the Granth, embroidered coverings enwrap it; when it is carried in procession jewelled canopies are borne over it, and brooms of peacock feathers sweep the dust of the

[1] *Ibbetson*, 260; *Douie*, 174-5; *Festing*, 387.

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worshippers from the temple floor. All these splendours date from long after the time of Ram Das, in whose day the Sikhs were a small and obscure sect, of no wealth or importance." It was his son Arjan " that first organised his following. He gave them a written rule of faith in the Granth or Sikh scripture which he compiled, he provided a common rallying-point in the city of Amritsar which he made their religious centre, and he reduced their voluntary contributions to a systematic levy which accustomed them to discipline and paved the way for further organisation. He was a great trader ; he utilised the services and money of his disciples in mercantile transactions which extended far beyond the confines of India, and he thus accumulated wealth for his church." Unfortunately he was unable wholly to abstain from politics, and he became a political partizan of the Mogul prince Khusru, who was in rebellion against his father the Emperor Jehangir. After suppressing the rebellion, Jehangir summoned the Guru, and after hearing his dignified reply, fined him two hundred thousand rupees. On his refusal to pay, the Guru was imprisoned, and the treatment he received while in confinement hastened if it did not cause, his death. Though the punishment was inflicted as a penalty for high treason and contumacy, and was not primarily an act of religious persecution, it resulted in a permanent cleavage between the two monotheistic faiths of Sikhism and Islam. " Arjan was priest and merchant ; his successor, Har Govind, was a warrior. He abandoned the gentle and spiritual teaching of Nanak for the use of arms and the love of adventure. He encouraged his followers to eat flesh, as giving them strength and daring, he substituted zeal in the cause for saintliness of life as the price of salvation ; and he developed the organised discipline which Arjan had initiated." Being now open enemies of the Government, the Sikhs were expelled from the neighbourhood of Lahore, which had hitherto been their seat, and took refuge in the wild and inaccessible hills and ravines of the Siwaliks, near the headwaters of the Sutlej and Ravi. Here Govind's policy " was followed by his two successors ; and under Teg Bahadur the Sikhs degenerated into little better than a band of plundering marauders, whose internal factions aided to make them disturbers of the public peace. Moreover, Teg Bahadur was a bigot, while the fanatical Aurangzeb had mounted the throne of Delhi. Him therefore Aurangzeb captured and executed

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as an infidel, a robber, and a rebel, while he cruelly persecuted his followers in common with all who did not accept Islam."[1]

Political Sikhism: Guru Govind Singh (1675-1708).

Teg Bahadur was succeeded by the last and greatest Guru, his son Govind Singh. It was Govind Singh who first conceived the idea of forming the Sikhs into a religious and military commonwealth; and he executed his design in the systematic spirit of the Spartan Lycurgus. Under him the organisation which "had sprung into existence as a quietist sect of a purely religious nature, and had become a military society of by no means high character, developed into the political organisation which was to rule the whole of North-Western India, and to furnish to the British arms their stoutest and most worthy opponents. For some years after his father's execution, Govind Singh lived in retirement, and brooded over his personal wrongs" and over the persecutions of his followers by Aurangzeb. "His soul was filled with the longing for revenge; but he felt the necessity for a larger following and a stronger organisation, and, following the example of his Muhammadan enemies, he used his religion as the basis of political power."[2] Denominating his followers the *Khalsa*,[3] the "pure", the "elect", the "liberated", he openly attacked the distinctions of caste, and taught the equality of all men who would join him. Instituting a ceremony of initiation, he proclaimed it the "gate"[4] by which all might enter the society, while he gave to its members the communion[5] "as a sacrament of union in which the four castes should eat of one dish. The higher castes murmured and many of them left him, for he taught that the Brahmin's thread must be broken; but the agricultural classes and the lower orders rejoiced and flocked in numbers to his standard. These he inspired with military ardour, with the hope of social freedom and of national independence, and with abhorrence of the hated Muhammadan. He gave them outward signs of their faith" in the unshaven hair,[6] the short drawers[7] and the blue dress; he marked the military nature of their calling by the title of "Singh" or

[1] *Ibbetson*, 261; *Gazetteer*, 29; *Smith India*, 376; *Douie*, 176-7; *Festing*, 389.

[2] It was similarly by the introduction of religious enthusiasm that Cromwell transformed the scratch Parliamentary armies of "tapsters and decayed serving men" into the irresistible Ironsides.

[3] From Arabic *khalis*, pure.

[4] *pahul*.

[5] *parshad*.

[6] *kes*.

[7] *kachh*.

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"lion", by the wearing of steel "and by the initiation by sprinkling of water with a two-edged dagger; and he gave them a feeling of personal superiority in their abstinence from the unclean tobacco". "His religious creed was in many respects much the same as that of Nanak; the God, the Guru, and the Granth remained unchanged. But while Nanak had substituted holiness of life for vain ceremonies, Govind demanded brave deeds and zealous devotion to the cause as the proof of faith; and though he retained the tolerance which his predecessor had extended to the Hindu gods and worship, and indeed showed a marked inclination in their favour, being himself a votary of Durga, he preached undying hatred against the Muhammadan persecutors. The religious was entirely eclipsed by the military spirit, and thus for the second time in history a religion became a political power, and for the first time in India a nation arose, embracing all races and all classes and grades of society, and banded together in the face of a foreign foe."[1]

The Sikh struggle with Islam.

The Muhammadans "promptly responded to Sikh challenge, for the danger was too serious to be neglected; the Sikh army was dispersed, and Govind's mother, wife, and children were put to death at Sirhind by Aurangzeb's orders. The death of the Emperor brought a temporary lull, and a year later Govind himself was assassinated while fighting the Mahrattas as an ally of Aurangzeb's successor. He did not live to see his ends accomplished, but he had roused the dormant spirit of the people, and the fire which he lit was only damped for a while." The severities of the Muhammadans "only exalted the fanaticism of the Sikhs, and inspired a spirit of vengeance, which soon broke out into fury. Under Guru Govind's principal disciple, Banda, who had been bred a religious ascetic, and who combined a most sanguinary disposition with bold and daring counsels, they broke from their retreat, and overran the east of the Punjab, committing unheard-of cruelties wherever they directed their steps. The mosques were destroyed and the Muhammadan doctors of religion killed; but the rage of the Sikhs was not restrained by any considerations of religion, or by any mercy for age or sex. Whole towns were massacred with wanton barbarity, and even the bodies of the dead were dug up and thrown out to the birds

[1] *Ibbetson*, 262: *Gazetteer*, 29; *Douie*, 177.

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and beasts of prey. The principal scene of these atrocities was Sirhind, which the Sikhs occupied, after defeating the Mogul governor in a pitched battle; but the same horrors marked their route through the country eastward up to and beyond the Jumna, whither they penetrated as far as Saharanpur. They at length received a check from the Mogul local authorities, and retired to the country on the upper course of the Sutlej,[1] between Ludhiana and the mountains. This seems at that time to have been their principal seat; and it was well suited to their condition, as they had a near and easy retreat when forced to leave the open country. But their retirement was of no long continuance; and in their next incursions they ravaged the country as far as the neighbourhood of Lahore on the one side and of Delhi itself on the other." But the Mogul Empire still possessed vitality. The Sikhs were completely defeated in several actions. Banda was captured and put to death, and for the time being Sikhism lay dormant.[2] But the invasion of Nadir Shah[3] gave the death-blow to the weak and divided Mogul Empire, and the Sikhs once more gathered fresh courage to rebel; and though again defeated and massacred in large numbers the faith gathered new strength from the blood of the martyrs. For a time indeed they were ground down under the iron heel of Ahmad Shah, the protagonist of Islam, who after his victory at Panipat,[4] routed the Sikhs completely, and pursued them across the Sutlej. On his homeward march he destroyed the town of Amritsar, blew up the temple, filled the sacred tank with mud, and defiled the holy place with the slaughter of cows. But as his grasp on the Punjab relaxed, the Sikh combination became closer and more vigorous, until by 1785 the Sikhs had mastered the whole Land of the Five Rivers between the Jhelum and the Sutlej, were threatening the Muhammadan princes about Delhi, and had made pillaging excursions eastward across the Ganges.[5] The famous gun Zamzamah,[6] one of the largest specimens of native casting in India, made for Ahmad Shah and used by him at the battle

[1] Now the Hoshiarpur district.

[2] *Ibbetson*, 115, 263; *Gazetteer*, 30; *Douie*, 178.

[3] 1739 (see p. 140). [4] 1761 (see p. 141).

[5] *Ibbetson*, 116; *Lyall*, 181-2; *Gazetteer*, 31; *Douie*, 179-80; *Festing*, 426-7.

[6] Mentioned in Rudyard Kipling's Kim.

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of Panipat, now remained with the Sikhs as a talisman of supremacy.[1] "To the English in Bengal this revival of Hindu nationality in upper India was exceedingly serviceable and opportune. For, in the first place, their real danger, the only substantial obstacle to their rising ascendancy, lay always, then as now, in the possibility of some foreign invasion led by some great chief or captain at the head of the fighting tribes of Central Asia. But the Sikhs were making it impossible for any such army to penetrate into the heart of the Punjab, without encountering the obstinate resistance of men united to defend their faith in a spirit very unfamiliar to the quiescence of ordinary Hinduism.[2] But the economic result of this perpetual fighting was seen in the great famine of 1783. In the east of the Punjab the country was depopulated, the peasants abandoning their villages and dying in thousands of disease and want; the country swarmed with thieves and highway robbers, and the state of anarchy was almost inconceivable. In the fertile and populous central districts the seeds of the acacia and cotton plant were greedily devoured; so many died of starvation that bodies were thrown into the wells unburied, mothers cast their children into the rivers, and even cannibalism was resorted to. The cattle nearly all died, or were eaten up by the starving Muhammadans. Many ruins of villages are traceable to this famine, and extraordinary friendships grew up among the survivors, who clung together, sharing everything available as food. The famine was followed by great mortality from fever and ague, and a large proportion of those who had escaped starvation fell victims to disease.[3]

Victory of the Sikh Leagues.

After the transformation by Guru Govind Singh of the Sikh religion into a political and military organisation, the new religion drew its converts largely from those of the Punjab agricultural tribes who had not embraced Islam. But the democratic ideas inherent in Sikhism did not appeal to the aristocratically minded Rajputs, and it was from amongst the Jats of the central Punjab that the new religion obtained its most valuable recruits, and the Jats rapidly obtained a dominating position in the new organisation. Their old methods of tribal organisation[4] were applied to the

[1] *P.A.R.*, 479.
[2] *Lyall*, 182.
[3] *Ibbetson*, 117.
[4] p. 23.

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new machinery. The twelve allied leagues each conquering and holding what territory it could, governed by a committee consisting of the equal heads of each league, were a replica of the allied clans of the old tribes, governed by the committee of the heads of each clan. Tribal democratic theories have always tended to prevent the emergence of capable men amongst the Sikhs, whose leaders have seldom been worthy of the magnificent rank and file of the warrior nation. Nevertheless war demanded some leadership, and each league had its chief, and in war the different chiefs agreed to fight under the orders of the most capable.[1] It was by a combination of these leagues that the country between the Sutlej and Jumna was subjugated, and though several of the leaders of the powerful Phulkian league[2] kept large slices of territory for themselves, members of the other leagues subdivided their conquests. After the defeat of Ahmad's Shah's governor in 1763, the Sikhs rapidly dispersed, and riding day and night, each horseman threw his belt and scabbard, his articles of dress and accoutrement, into successive villages to mark them as his. On these lines the chiefs hastily divided up among themselves and their followers the whole country between the Sutlej and the Jumna, and asserted themselves as rulers of the people. In a very few cases the indigenous leaders of the country were strong enough to hold their own after a fashion, and to assimilate their position to that of their conquerors; but elsewhere the Sikh rule was supreme. For the next forty years this cis-Sutlej area was subjected to the endless petty warfare of these independent Sikh chiefs among themselves, except when a common danger bound them together to resist the encroachments of the more powerful States. Each separate family and each group of feudatories, strong enough to stand alone, built itself a strong fort as a centre from which it could harry the whole neighbourhood.[3] By the end of the century the Sikhs were too firmly consolidated in the Punjab to be easily disturbed, and the occupation of Lahore by Ahmad Shah's grandson[4] was perforce only temporary.[5]

[1] *Ibbetson*, 116; *L.S.B.I.*, vol. I, 44, 262; *L.S.B.I.*, vol. II, 682-3; *Douie*, 179-80.

[2] From which the "Phulkian" States of Patiala, Jind and Nabha take their name.

[3] *L.S.B.I.*, vol. I, 44; *L.S.B.I.*, vol. II, 682-3; *L.A.M.*, 100.

[4] Zeman Shah, 1797.

[5] *Lyall*, 183; 209, 212; *Innes*, 222.

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The general result of the confusion which prevailed in the Punjab during the eighteenth century, was to counteract the centralisation which had characterised the Mogul government, and to restore the old tribal groups to something of their old importance. The loosely defined tribal, clan, and village boundaries were jealously guarded, and frequently fought over. The little entities composing the tribe, clan, or village community, shifted about in mutual alliance or hostility according to the ebb and flow of public opinion and private feud. Party strife was, however, generally subordinate to the necessity of tribal union against outside attacks. The shopkeeping and trading classes followed their callings as the humble dependents and servants of the tribal leaders. It was only in the submontane and riverain areas that the country was at all thickly populated, elsewhere there was plenty of land for all who wanted it. It was famine, and especially the great famine of 1783, and the pestilence that followed famine, that kept the population down. Tribal and village bickerings caused little bloodshed.[1] The revival of the old tribal and village groups prevented any extension of the revenue farming system to the Punjab, where the Mogul Empire died a relatively sudden death and did not perish by gradual decay as in Bengal.[2] Nor were those confused times as favourable to the growth of great landlords in the Punjab as in the basin of the Ganges. Tribal feeling was in some cases associated with a strongly-felt loyalty to a chief, and this was particularly the case amongst the Pathans, Baluchis, and frontier Jat and Rajput tribes, which had immigrated within historic times, and whose tribal organisation had least suffered from decay. Amongst the Gujars and Jats of the central Punjab all such tribal leaderships had long been obliterated and their place was now supplied by the leaders of the Sikh leagues and their sub-sections. Hard by the Imperial capital, the Mogul rule had been felt in its full vigour, and had sufficed to curb the ambitions of local chiefs; and after the sudden collapse of the Empire in the chaos of the eighteenth century the Afghan invaders and Sikh rulers were equally jealous of any rivals to their authority. The position of a few local chiefs was, however, marked by the grant of revenue assignments[3] from the State; but the majority of the larger

The Indian summer of the village community.

[1] *Thorburn, M.M.*, 42. [2] *L.S.B.I.*, vol. I, 186. [3] *jagir*.

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lordships were gradually split up amongst descendants, who only differed from the surrounding cultivators in their sense of superiority of birth. The old democratic tribal feeling (of equality amongst tribesmen combined with superiority to the rest of the world)[1] joined with the conditions of Mogul, Afghan, and Sikh rule, and the democratic theories of Islam and Sikhism to prevent that submergence of the Punjab peasant which had characterised his brethren of the Ganges basin. A very few of the tribal chiefs in the western Punjab did, however, become great landlords, while others retained two or three villages. A larger number were recognised by the State as overlords of a certain area in the grant of an assignment[2] or an allowance[3] on the land revenue, in recognition of their superior position, and with the object of securing their services and influence in the interests of the State. In some cases the descendants of such chiefs had lost the dominant position of their ancestor, but still constituted a body of superior owners[4] over the ordinary joint village body. In some cases such superior owners asserted their claim to the waste, while leaving to the original landowners the ownership[5] of the land of which they were in actual cultivating possession.[6] The weakness of the tribal chiefs left the village community the only instrument of local self-government, though it had to be relatively strong to have any chance of survival. A fortified village, surrounded by a wall and entered by gates with a portcullis, could give sufficient trouble to a Mogul, Afghan, or Sikh revenue collector to render him reasonable. It was more worth his while to compound for an equitable amount of revenue than to be put to the expense and inconvenience of attacking and destroying the village. Moreover the joint village body would arrange for the cultivation of their land and so save him the trouble of dealing directly with the individual peasants. If necessary they would call in cultivators from outside to help make up the heavy revenue demanded, giving the latter a subordinate interest[7] in the fields they cultivated as compensation. Such a village community developed much of the political and adminstrative sagacity which characterised the Greek or Italian city

[1] pp. 23-4. [2] *jagir*. [3] *taluqdari*.
[4] *ala malik*. [5] *malik qabza*.
[6] *L.S.B.I.*, vol. II, 617, 641, 669-70.
[7] Occupancy rights, in modern revenue parlance.

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states in their prime. Matters of general interest were discussed by the body of joint owners[1] in the common meeting place, while weightier matters were reserved for the Committee of Elders.[2] The relations of such a body to the local Mogul or Sikh governor might be paralleled by that of a minor Ionian Greek city to the local Persian satrap. Probably the satrap could destroy the city if he really wanted to, but it was more in the interests of both parties to come to terms.[3]

4. The Sikh Kingdom

Ranjit Singh.

The military and political position of the Sikhs rested mainly on the Jat converts to the new religion, that sturdy plodding race of hereditary agriculturists, whose industry had built up the agricultural system of the Punjab, and who were as handy with the lance and sword as with the plough and the water-lift.[4] To the south-east Punjab Sikhism never penetrated, and in the country around Delhi the Jats retained their old characteristics. From the time that he was old enough to wear a piece of string round his middle and drive the cattle into the field, until he was too old to do more than sit in the sunshine and weave a hemp rope, the Jat's life was one of unceasing toil, borne patiently and without complaint.[5] But the capacity for endurance learnt behind the plough served him in good stead on the field of battle, and these Jats formed useful recruits to the mercenary troops of the period, and were a valuable element in Sindhia's magnificent army.[6] The adoption of Sikhism by the Jats of the central Punjab rendered them more aggressive and more daring, though possibly less balanced, than their short-haired brethren round Delhi. The prohibition against the use of tobacco drove them to spirits and drugs, which were not seldom indulged in to excess. But this evil was largely confined to the wealthier classes, and was more than counterbalanced by the manly love of field sports and open air exercise, which their freedom from restraint in the matter of taking animal life and their

[1] *Am jalsa.* cf. the Roman Comitia Tributa and the Athenian Ecclesia.

[2] *Panchayat.* cf. the Roman Senate and the Athenian Areopagus.

[3] *Baden-Powell*, 339, 434, 436; *Thorburn, M.M.*, 43.

[4] *O'Dwyer*, 52; see also pp. 87-8.

[5] Rohtak tahsil Assessment Report. Quoted in *Darling*, 94.

[6] p. 152.

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natural pride, exercising and displaying that freedom, engendered in them. Valiant in the field, when well led, the Sikh was almost invincible behind entrenchments, ever genial, good tempered and uncomplaining, a fair horseman, a stubborn infantry soldier, as steady under fire as he was eager for the charge.[1] Leadership was alone necessary to weld the Sikhs into a nation, and at the end of the eighteenth century a leader appeared. The position of Ranjit Singh among the Sikhs may be paralleled by that of Frederick the Great in Germany, who rose to power not so much as the King of Prussia, but as the one man to whom all Germans could look as likely to raise that medley of principalities and electorates into a nation. So Ranjit Singh stood out, not so much as the head of the Sukarcharia league, to whom Zeman Shah, the grandson of Ahmad Shah had granted the governorship of Lahore, but as the one man of genius the Jat tribe had produced. Mean in appearance, his face pock-marked and one eye closed by the ravages of small-pox, he was yet a splendid horseman, a bold leader, a cool unscrupulous schemer, and an unerring judge of character. His pluck, patience, and guile soon broke the Afghan power in the Punjab, and put down every Sikh rival west of the Sutlej. In spite of Sikh opposition his strength of character enabled him to create a disciplined army on the English model, recruited from all classes and officered largely by foreigners, which after the six years of anarchy which followed his death, in spite of divided counsels and traitorous leading, all but shattered the fabric of British dominion in India.[2] Whilst the reorganisation of his army was in progress, he employed his unscrupulous statecraft and the anti-Muhammadan fervour of his people in conquering Multan and Kashmir, and the Indus valley and Peshawar; and he was only restrained from attacking the cis-Sutlej Sikhs and invading Sind by the political sagacity which ever warned him against a collision with the English.[3]

Sikh administration.

Prior to the consolidation of Sikh power under Ranjit Singh the Sikh territories had been portioned out into sub-divisions,[4] under the chiefs of the

[1] *Thorburn, M.M.*, 16; *Lucas*, 1-2.

[2] *Gazetteer*, 31; *Douie*, 179-81; *Thorburn, P.P.W.*, 11, 22-3.

[3] *Douie*, 183-4; *Thorburn, P.P.W.*, 12; *Lyall*, 143-4.

[4] Known as *taluqas*. The Sikh government used the convenient Mogul official terms *Diwan*, civil administrator; *Nazim*, governor of a district; *taluqa, jagir, Khalsa*, etc.

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different Sikh leagues or their sub-sections. On attaining supremacy, however, Ranjit Singh declared himself king[1] and reorganised his dominions on the lines of the old Hindu monarchy.[2] The most important part of the territory[3] was held direct by himself, and was portioned out in large districts on the Mogul pattern[4] with governors over each, the districts being divided into sub-divisions (usually consisting of one or more of the old sub-divisions) under sub-divisional officers[5] with minor officials[6] over groups of villages.[7] On many of the villages in this royal domain Ranjit Singh imposed a fixed cash assessment, estimated at from a third to two-fifths of the value of the gross produce. But he felt it was impolitic and perhaps impossible, to deprive the powerful Sikh chiefs, whom he had converted from his equals into his vassals, of the revenues they had enjoyed and the powers they had exercised within their own estates. He contented himself therefore with making their tenure conditional on furnishing contingents of horsemen to reinforce in time of war that powerful army of trained foot soldiers which was the real foundation of his power. The same motives led him to leave to the Rajput hill chiefs, and the powerful Muhammadan chiefs of the western Punjab, the revenue and administration of some fragments of their ancient possessions. But as he got older he left more and more of the details of administration to his subordinates, till finally the whole kingdom was divided into seven districts, Kashmir (including Hazara), Peshawar, Wazirabad, Multan, Pind-Dadan-Khan (including the salt mines) and Kangra (including part of Jullundur). The governors of these districts did what they pleased, farming the revenues to contractors,[8] or to the local sub-divisional officers, getting as much from the peasant, and paying as little to the State treasury as they could.[9] The pay of such an officer[10] was uncertain and precarious, and it was recognised that he must supplement it by exactions from the people. He obtained his office probably by the payment of a large propitiatory bribe, and the same agency by which he had succeeded in ousting his predecessor was open to others

[1] *Maharaja.* [2] pp. 34-8.

[3] Known as *Khalsa*, a term which had previously been used as the consolidated territory belonging to the whole Sikh confederacy.

[4] pp. 115-6. [5] *Kardar.* [6] *Chaudhri.*

[7] *tappa.* [8] *Ijradar.* [9] *L.S.B.I.*, vol. II, 541, 636.

[10] Rs. 700-1000 p.a.

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to be directed against himself. His chief business was to collect revenue, and his daily round of duty was to provide for the proper cultivation of the land, to encourage the flagging husbandman, and to replace, if possible, the deserter. His energies were entirely directed towards extending the agricultural resources of his sub-division, and the problem of his life was to maintain agriculture at the highest possible level, and at the same time to keep the cultivator at the lowest point of depression, short of suicide. In each village one of the community acted as his agent, keeping a body of horsemen, whom he pretended to pay, but who in reality preyed on the villagers, and were known to be engaged in most of the robberies which took place in the neighbourhood. Occasionally the people, driven desperate, would repair in formidable bodies to Lahore and obtain the removal of an obnoxious sub-divisional officer; but generally they found it safer to submit.[1] Apart from land, all other known sources of taxation were exploited. Houses, persons, manufactures, imports and exports alike contributed to the State income. Octroi duties were levied on imports into and exports out of towns, and duties on provincial exports and imports were levied at the frontier and also at certain internal barriers. The salt revenue was realised by a sale of the monopoly. "The cis-Indus and Kalabagh salt mines were farmed out to persons of eminence; and the farmer, as long as he paid the amount of his contract, was allowed to dispose of the salt in any manner he might think proper. He was under no restriction as regards time, place, or price, and might sell wholesale or retail, either at the mines or in distant markets. The prices charged by the farmers were reasonable; but mining and transport difficulties helped to restrict the area within which rock-salt was consumed, and the cis-Sutlej tract seems to have been almost entirely supplied at this time with salt from Kalabagh." A large income was also obtained by plundering the families of wealthy officials who had died or fallen into disgrace. But from most of these imposts Sikhs were exempt. To the privileged class was granted liberty to oppress and the opportunity of living like a freebooter.[2] As in Mogul times, criminal affairs were entrusted to the Executive Officer[3] in

[1] *Thorburn, P.P.W.*, 82-3; *S.M.*, 39; *Lucas*, 2-4.

[2] *Thorburn, P.P.W.*, 23; *P.A.R.*, 112, 168; *Gazetteer*, 105-6; *Lucas*, 2-4.

[3] *Kotwal.*

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towns, and to the revenue authorities outside. Capital punishment was inflicted but seldom. The favourite punishment was a heavy fine for the rich, and mutilation—the lopping off of an arm or a leg—for the poor. The complainant was also generally expected to pay a fee,[1] while an acquitted accused person was expected to give a thank-offering.[2] Civil law, as we now know it, there was none; but the rights of landlords, and cultivators, and the corporate capacities of village communities were all recognised. Disputes of a civil nature were settled in villages by the committees of elders,[3] in towns by Brahmins for Hindus, or doctors of Islamic law[4] for Muhammadans. In such matters, the State officials confined themselves to a general supervision, which generally stopped short at the levying of a fee.[5] Education was left to the religious authorities. Muhammadan schools were nearly all connected with a mosque, where the Quran was taught. They also gave instruction in the Persian classics. "Purely Hindu schools were rare, being either colleges in which Brahmin boys learnt Sanskrit and received a half-religious, half-professional training, or elementary schools where sons of Hindu shopkeepers were taught to keep accounts and read and write the traders' scripts. The few Gurmukhi schools that existed were of a purely religious character. The best feature of the indigenous schools was that they were not confined to the religious and mercantile classes, but were open to the few agriculturists who cared to attend them." Instruction was given under primitive conditions beneath the shade of a large fig tree in the courtyard of a temple or mosque, or within the shed which constituted the assembly hall of the village community.[6]

Land administration under the Sikhs.

The Sikh revenue system was in essentials that of the Moguls, which had itself been derived from the previous Muhammadan and Hindu rulers. But the early Hindu kings had neither surveyed nor measured the land, nor made any record of rights in it. It was the task of the Moguls to reduce the vagueness of these traditional customary rights to a system, by giving them a clear and concise terminology, and by the division of the Mogul territories into provinces, districts, sub-divisions (in some

[1] *nazrana.* [2] *shukrana.* [3] *panchayat.*
[4] *Qazi.* [5] *Thorburn, P.P.W.*, 23, 81-2; *Lucas*, 5-6.
[6] *P.A.R.*, 400; *Lucas*, 11-2.

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cases still further sub-divided), and villages, over each of which was an executive officer.[1] Once this official system had been standardised the local revenue officers became the depositaries of the records of land revenue surveys, rules, and rights. Land revenue procedure was still further systematised by the cash assessment introduced by Akbar. "All later Governments were glad to avail themselves of these records; and the old formal assessment of Akbar's date formed a sort of basis or fundamental assessment, remembered with almost superstitious reverence, though of course it was altered and increased according to circumstances; and no one really expected to be assessed according to it", unless he claimed a right to hold at fixed rates, expressed in terms of Akbar's assessment. In Bengal and to a less degree in the North-Western Provinces this admirable system had generally decayed and been superseded by the pernicious farming system. But in the Punjab it still retained much of its vitality when it was taken over by the Sikhs.[2] By this time the theory that the State was the sole and not merely the ultimate landlord had become general throughout India. It had been renounced by the British as a matter of grace rather than of right,[3] and it was carried out to its logical conclusion by the Sikhs.[4] As far as possible Ranjit Singh's aim was to do away with all middlemen between the State and the cultivator, and the result of the Sikh system was to diminish the influence of local leaders. Where they were too powerful to be altogether ignored, they were allowed a remission of from a quarter to a tenth of the land revenue to repay them for the cost of collection. Middlemen of this type were

[1] The terms used may be tabulated as follows :—

	Name.	Executive Officer.	Revenue Officer.
District.	*Sirkar*	*Nazim*	*Diwan*
Sub-division.	*Pargana* } *Taluqa* }	*Chaudhri* } *Kardar* }	*Qanungo*
Village.	*Mauza*	*Muqaddam (British lambardar)*	*Patwari*

[2] *L.S.B.I.*, vol. I, 263; pp. 36, 115-6, 118-24.

[3] p. 145.

[4] *Thorburn, M.M.*, 45.

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particularly useful in those villages where cash assessments were imposed. But towards the end of his reign, when Ranjit Singh's grip over the details of administration grew less firm, middlemen of all kinds arose, and it may be conjectured that, if the Sikh kingdom had survived, its revenue administration would have decayed in the same way as the Mogul administration of Bengal, only at a more rapid rate.[1] But whether the revenue was collected through middlemen or directly by the State officials, the system followed was much the same. Except in the case of those villages where fixed cash assessments were imposed, the land revenue was assessed not on the land but on the produce. Acreage rates were charged on crops, such as sugarcane, cotton and tobacco, which could not conveniently be divided. In other cases the crop was not usually divided,[2] but its amount was "appraised" by an inspection of the crop,[3] and it was common for the officials who collected the revenue to compel the cultivators to purchase the Government share at prices in excess of market rates. Normally the State claimed from one-third to two-fifths of the crop, but for land with good natural advantages as much as one-half was taken, and these recognised rates could only be reduced by the villagers bribing the appraising officers. The demand was increased by the levy of numerous cesses.[4] Practically no margin was left for rent, and cultivators of all classes were generally treated alike, though the services of a few leading men in each village were secured by cash allowances,[5] or grants of land, or by a percentage of the ruler's share of the produce, or lower revenue rates on the fields they cultivated. Where, however, the leading men[6] were allowed to engage for the land revenue, the distinction between landowner and tenants was a real one. As far as possible, however, the State dealt direct with the individual cultivator, and joint responsibility for the payment of the land revenue was not enforced.[7]

Sikh ideas of proprietary right.

The heavy Sikh land revenue left little over above the costs of cultivation and the amount required to maintain the cultivator and his family.

[1] *Thorburn, M.M.*, 44-5; Attock tahsil Settlement Report (1925), 21.

[2] *batai.* [3] *kan* or *kan kut.* [4] *abwab.*

[5] *inam.* [6] *malik.*

[7] *S.M.*, 38; *P.A.R.*, 246; *Thorburn, M.M.*, 43-4.

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But though proprietary right was often nothing more than an empty name, its existence was, in theory at any rate, recognised by the Sikhs.[1] The land revenue was generally exacted from the actual occupant of the land,[2] whether he occupied it as overlord,[3] as landowner,[4] as tenant,[5] or as ploughman ;[6] and in most cases no party other than the occupants claimed any proprietary title. When, as was generally the case, the land revenue was taken in the form of a share of the produce, it was realised from each cultivator direct. If there was a separate proprietor, he could at the most glean a scanty share from the cultivator's grain heap after the claims of the State had been satisfied. He was not expected to pay the revenue, and if he resided away from the village, he became a nonentity. A special share in the produce might also be granted to a capitalist who had spent money in irrigating the village.[7] But the cultivator, while he held the position, bore also all the burdens and calamities of ownership. He it was who withstood the incessant drain of presents, cesses, and extra collections, who bribed the village headmen, and who fed the hungry retainers of rapacious sub-divisional officers. But in estates where the proprietors had also an official position as village headmen, they were able to assert their rights, and their rights were worth asserting. If the collections were in kind, the Government would still realise direct from the cultivator, but the proprietor would take some interest in the collections, would hold himself responsible that nothing went wrong, and would arrange for the cultivation of the waste and the replacement of absconded cultivators. Then a money commutation might be effected. and in such a case the proprietor would himself engage for the payment of the revenue.[8] Moreover village communities were still vigorous, with a vivid recollection of their traditional ancestral shares, which an absconding shareholder would often return to claim : and his claim would be recognised. Amidst all the alterations of cultivation and dispossession, the shares in the common lands and common liabilities remained unchanged, though responsibility for payment of the revenue

[1] *S.M.*, 107.

[2] *Baden-Powell*, 336, 425 ; *L.S.B.I.*, vol. I, 207 ; *L.S.B.I.*, vol. II, 703.

[3] *malik.* [4] *waris.* [5] *muzara.* [6] *hali.*

[7] *L.S.B.I.*, vol. I, 197. [8] *S.M.*, 108.

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coincided with actual possession.[1] In hill areas, where cultivation depended on the water brought by artificial channels, the old rights to a share in such water might be forgotten, under the necessity for raising the maximum produce to pay the Sikh revenue demand; but even in such cases the old shareholders often still constituted a committee of management for the distribution of water.[2] Non-resident proprietors sometimes transferred their rights to persons who were hoped to be powerful enough to eject the cultivators. The validity of such a transfer depended on the power of the alienee, who would seldom be able to render it effective. Strangers were rigorously excluded from village communities, though transfers within the community itself by gift, bequest, mortgage or sale were not infrequent.[3] But while the Sikh rule pressed relatively lightly on village communities, its severity was felt by the ancient landowning tribes and ruling families, whose influence the Sikhs wished to diminish. This policy was economically beneficial in cases where the vested interests of landowners were overridden by the founding of settlements of industrious cultivators of lower castes in the extensive waste lands of the older estates.[4] Of all ruling families perhaps the Rajputs of the submontane districts were worst treated by the Sikhs, who resented the aristocratic claims of the latter and their refusal to adopt the Sikh religion.[5] In the submontane areas many Rajput chiefs disappeared, and the cultivators claimed equality with the Rajput proprietary bodies, or united to ignore them altogether. After a vain resistance the Rajputs succumbed to superior force, and had to starve or become tillers of the soil.[6] In the western Punjab martial tribes such as the Gakkhars,[7] whose leading men with their retainers had for generations administered large tracts of country, fell from their high position to that of mere tillers of the soil. But they did not forget their ancient rights, and were generally in a position to assert them as soon as Sikh pressure was removed.[8] Such Sikh or other chiefs as could not be entirely overlooked were granted land revenue assignments,[9] which absorbed no less

[1] *S.M.*, 111. [2] *L.S.B.I.*, vol. II, 645; pp. 68, 98-9.
[3] *S.M.*, 112. [4] *S.M.*, 41. [5] p. 171.
[6] *L.S.B.I.*, vol. II, 675; *Thorburn, M.M.*, 26. [7] p. 41.
[8] *L.S.B.I.*, vol. II, 618, 635, 643; *Thorburn, M.M.*, 11.
[9] *L.S.B.I.*, vol. I, 194.

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than one-third of the total revenue of the territory governed by Ranjit Singh. Apart from the assignments made to Sikh chiefs or local leaders,[1] assignments were also made for the pay of part of the regular troops, for the remuneration of great officers of State, for the support of the ladies and the servants of the royal household, and in grants to holy men and religious institutions. The services of smaller men were secured by exemption from paying land revenue on their own lands[2] or by a definite share (usually a quarter) of the land revenue of an estate.[3] "There was of course no security of tenure. Each grant was held at the pleasure of Ranjit Singh, which usually meant for so long as the recipient was worth conciliating. More especially every assignment was in practice open to reconsideration on the death of the holder, and when renewed a fine[4] was often exacted, which sometimes equalled the collections of several years. Assignees were entitled to the ruler's share of the produce and took it, as the State usually did, in kind, that is, by actual division of crop or by appraisement. Where the grants consisted of whole villages the grantee exercised the right of extending cultivation by bringing in tenants to break up the waste. He sank wells and planted gardens, and, if he was strong enough, turned out existing cultivators who fell under his displeasure." The larger assignees also made grants within their own estates to those who fought for them in the field or prayed for them at home.[5]

Local differences in administration.

In the Sikh, as in all oriental kingdoms, everything depended on the personality of the district governor and not all governors were oppressive. To a man of foresight and intelligence, who was given some continuity in his appointment, self-interest alone would dictate moderation. More could be got out of a prosperous and contented peasantry than one which had been systematically plundered. Of this type were Diwan Sawan Mal in Multan, and Misr Rup Lal in Jullundur. Such men were as powerful for good as others for evil, and under them agricultural development proceeded apace, unhampered by the restrictions of rules and regulations. In the central

[1] *L.S.B.I.*, vol. I, 197.
[2] *inam.* [3] *chaharum.* [4] *nazrana.*
[5] *L.A.M.*, 81-4; *L.S.B.I.*, vol. I, 194; *L.S.B.I.*, vol. II, 642, 651, 699.

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districts, moreover, rapacity was checked by the proximity of the Maharaja Ranjit Singh, and the refusal of the Sikhs themselves, the ruling class, to submit to unreasonable exactions. The prosperity of the Sikh villages was still further promoted by the pay which was drawn by the soldiery of the Sikh armies. But such prosperity was the exception rather than the rule. The country was studded with forts, which like the castles of the Normans in England, formed centres whence the oppressors sallied forth to plunder the people. In self-defence the cultivators had to fortify their villages, and even wells were provided with little towers to which their owners might fly on the approach of danger, and driving their cattle into the enclosure on the ground floor, defend themselves with the matchlocks which were left there for defence in time of trouble. For the villagers there were only two remedies for oppression, either to go to Lahore and complain, or to murder the sub-divisional officer.[1] Neither was very satisfactory, as the result was generally only to introduce a still more rapacious official on the scene.[2] But it was on the Frontier that Sikh rule was seen at its worst. Beyond the Indus Sikh domination was always insecure and the methods employed for the collection of land revenue more resembled the devastations of Tiglath-Pileser or Sennacherib than any system of recovery known to civilisation. "The periodical visits of the Sikhs were calamitous to the people: their approach was the signal for the removal of property and valuables, and even of the window and door-frames, from the houses; crowds of women and children fled frightened from their houses, and the country presented the appearance of an emigrating colony. As the hated host advanced they overran the neighbourhood, pillaging and destroying whatever came within their reach, and laying waste the fields." Hardly a village escaped being burnt or plundered in one or other of these visitations, and the Sikh commander's name was used by mothers as a term of affright to hush their unruly children. "Destruction was so certain that the few villages which from the extreme difficulty of their positions were either passed by the enemy or, resisting attack, were but partially destroyed, claimed a triumph, and came to be looked upon as invincible. But the people of this unhappy country did not enjoy peace, even during the respites which the withdrawal of the Sikhs afforded them; and it is

[1] *Kardar.* [2] *Ibbetson*, 125; *L.A.M.*, 499.

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hard to say whether they suffered most from those terrible but passing invasions or from the bitter feuds which followed them, arising out of hostile acts committed towards each other, either to find favour from the invaders, or to gratify personal feelings of hatred and revenge; for they had no scruple in betraying each other for such purposes, and in bringing as spies or informers the Sikh scourge upon their neighbours with a baseness from which their ancestors would have revolted." The conditions on which a certain chief held his lands from the Sikhs included the production of twenty heads belonging to the Afridi[1] tribe; and afterwards when an old man, he used to describe without a blush to the British Settlement Officer, the treacherous methods which he sometimes was compelled to adopt in order to fulfil the conditions of his tenure.[2]

Sawan Mal in Multan.

It was only in the Multan district that a really efficient administration continued for any length of time. Here the country was so rainless that anything like permanent cultivation was only possible along the banks of the rivers which converged together in that district, or in land irrigated by small canal cuts taken off from a river, or by wells which could only be sunk up to a certain distance away from a river.[3] But this desolate tract was fortunate in being ruled for over twenty years[4] by an exceptionally able and beneficent administrator. Without continuity development is impossible, and Diwan Sawan Mal was sufficiently long in charge of his district to effect more agricultural development therein than was ever accomplished before or since till the advent of the British canal system. "The good cultivators were rewarded and the lazy punished, and all were kept in a state of tutelage."[5] The sub-divisional officers did everything for them, made them cultivate the land, introduced Hindu money-lenders who lent them money and seed, and made the borrowers repay. If one man did not cultivate his land, it was taken from him and given to another. In this barren area cultivation could only be extended by the sinking of wells, and the digging of canals. Under the Diwan's supervision the people combined to dig new and restore old canals. "He encouraged the sinking and repair of wells by giving favourable leases." A man who constructed a number of wells and settled

[1] p. 97, note 7. [2] *Ibbetson*, 122-4; *Thorburn, M.M.*, 10-11.
[3] pp. 9-10; *Baden-Powell*, 64-5. [4] 1821-44.
[5] *Darling*, 109.

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cultivators in the land irrigated by them, was exempted from the payment of land revenue on the whole area irrigated by one well or a part of the area irrigated by each well. "Following the example of the Muhammadan rulers who preceded him in Multan, Sawan Mal levied a fixed cash assessment on each upland well." In the riverain tracts fixed assessments for a term of years were sometimes made on wells or on Persian wheels used for lift irrigation,[1] but even then the finest crops, such as cane or indigo, paid special rates. The area which could normally be irrigated by a given well was fixed according to the circumstances of each locality, and any cultivation in excess of that limit was charged for at a fixed money rate per acre. "In some places the demand varied according to the number of oxen employed on the well and was remitted when the well was deserted. For flooded lands a moderate share of the produce was taken in kind, or occasionally separate cash rates were charged on each crop grown. The measurements were made at the time of harvest and the rates were levied on ripened crops. The share of the State was pitched especially low in the case of new cultivation", and the claims of the tribal overlords were ignored altogether. In pastoral areas the Moguls had always levied a grazing fee,[2] which was partly also an assessment on the profits derived from the rearing of cattle. These tribes were difficult to get at and Sawan Mal wisely recovered the fees due from them through the tribal leaders. These enlightened methods enabled the Diwan to remit over two million rupees annually to the Lahore treasury, besides accumulating a small fortune for himself, while at the same time developing the district under his charge.[3]

The People and the Land.

The Sikhs did something for the extension of cultivation in waste lands by over-riding the restriction put on such cultivation by the tribal or village owners, and in some cases by more active assistance.[4] But there their service to the public stopped. The old Mogul roads had degenerated into mere tracks through the woods and jungle, and were always infested by robbers. In the rains

[1] *jhalar.* [2] *tirni.*

[3] *Thorburn, M.M.*, 11, 161; *Ibbetson*, 126; *S.M.*, 40; *Thorburn, P.P.W.*, 83; *Baden-Powell*, 345; *L.S.B.I.*, vol. II, 659-60; *L.A.M.*, 770.

[4] *S.M.* 41.

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they were almost impassable, and camels sank up to their haunches in mud, while carts remained immovable, in spite of all the exertions made by the draught oxen[1] to extricate them. Misgovernment and bad communications served to accentuate the severity of the six famines which marked the reign of Ranjit Singh. The famine of 1833 was particularly bad. In many villages no land was even ploughed up, in but few was any seed sown, in none was a crop reaped. What little grass sprang up was eaten by locusts; while crowds of immigrants poured in from Kashmir and Rajputana to help the people to starve. The shopkeeper hid in his house to consume the grain he had secreted, while famished mothers sold their daughters to prostitutes for bread. A few years later the ravages of a fever epidemic among the enfeebled populace were so severe that "the crops died standing for want of people to cut them".[2] But these years were exceptional. The Sikh rule pressed heavily on all, but most heavily on all ruling classes other than themselves. The pressure on the cultivator was elastic. There being little money in circulation, most payments, including land revenue, were made in kind. The revenue demand, therefore, corresponded with each season's yield. Self interest limited the rapacity of the officials and the cultivator was always left enough grain to maintain himself and his family until the next harvest. Nor was an official likely to allow the moneylender to be more exacting than himself. There being neither credit, nor money, nor civil courts, serious indebtedness was impossible. If advances of grain were made, the debt was repaid at harvest time, whenever there happened to be a good crop. If matters could not be arranged amicably, both parties went to the sub-divisional officer, who had the moneylender's books examined. He would then strike off any unreasonable interest, find out what cattle and other saleable goods the debtor owned, and after leaving him enough to carry on his agricultural operations, would hand over the rest to the moneylender at an enhanced valuation. In other words he acted as a summary insolvency court, preventing the moneylender from being too exorbitant or the debtor too recalcitrant. Restrained in this way, the moneylender performed the useful function of financing agriculture. The economic slavery of

[1] *P.A.R.*, 280; *Calvert*, 210; *Lucas*, 10, 13; *Thorburn, P.P.W.*, 24.
[2] *Ibbetson*, 118.

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the peasant to the moneylender which was to follow on the application of the principles of English Civil Law to the relations between debtor and creditor, had no counterpart in Sikh times.[1]

5. The Sikhs and the English

In 1805 Cornwallis came out for the second time, under instructions to reverse the policy of expansion followed by his predecessor. Consequently those territories conquered from the Mahrattas in 1803,[2] which lay to the right of the Jumna,[3] were not then brought under direct British administration. Just as Hastings had protected the frontier of Bengal to the north-west by the buffer State of Oudh, so it was hoped that the new north-west frontier on the Jumna might be protected from the Afghan and Sikh powers by a few powerful buffer States. Little was it then realised that many of their rulers were only chiefs of one village, or even confederacies of Sikh horsemen holding villages in shares amounting in some cases to not more than a twentieth of a single village. Political control over this area was exercised by the North-Western Provinces through a Resident appointed at Delhi to keep the peace of the borderland, and under instructions to interfere as little as possible in the administration of the country. The existing rulers were maintained in their possessions, and where no other claimant could be found, estates were made over by the grant of full powers of administration, or of an assignment or farm of the land revenue, to some deserving soldier or neighbouring chief. Of this latter type were the ancestors of the present rulers of the small Native States of Pataudi, Dujana and Loharu in the south-east Punjab. Except in the immediate vicinity of Delhi itself, direct administration was sedulously avoided.[4]

British control over the Delhi Territory.

In the country round Delhi agriculture had practically come to a standstill. "The Sikhs never really established their grasp over the country south of Panipat, and they held what they did possess only as feudatories of the Mahrattas." There had been a "constant contest between the

Economic collapse.

[1] *Thorburn, M.M.*, 12, 156; *Lucas*, 10.

[2] pp. 151-2.

[3] Including the present Delhi Province, the districts of Rohtak, Hissar and Gurgaon, and parts of the Karnal and Ferozepore districts.

[4] *P.A.R.*, 14-5, 673; *S.M.*, 8, 10.

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two powers; and the tract formed a sort of no man's land between their territories. Coveted by both and protected by neither, it was at the mercy of the strongest and most audacious freebooter of the day, whether hailing from the Punjab or the Dekhan. Nobody cared to spare for to-morrow what he might only possess for to-day." Even as early as 1760, Nadir Shah had to approach Delhi by the left bank of the Jumna, as owing to the constant passage to and fro of the Mahratta troops, the right bank was so devastated that supplies were unprocurable, and forty years later at the time of the British occupation "it was estimated that more than four-fifths of this territory was overrun by forest, and its inhabitants either removed or exterminated. The arrangement of the villages in groups of small hamlets, sprung from and still holding subfeudal relations with the large parent village, made the concentration of the population in a few strongholds natural and easy."[1] The Western Jumna Canal[2] "had long dried up, and thick forest had taken the place of cultivation, and afforded shelter to thieves, vagabonds, and beasts of prey." Deserted sites all along the old main road told "how even the strongest villages had to abandon the spot where their fathers had lived for centuries, and make to themselves new homes on sites less patent to the eye of marauding bands." The few large villages in which the inhabitants were collected were elevated far above the surrounding plain upon the accumulations of centuries. "They were surrounded by deep ditches and high walls with forts at the four corners, and could only be entered by strong gateways with massive doors." Inside were "lofty houses which turned their loopholed backs to the narrow winding streets, and were built almost entirely of brick. From these strongholds the people drove forth their herds to pasture, while their servants tilled the scanty fields." Watchers constantly scanned the plains below from watch-towers on high trees. "On the approach of danger, men and cattle sought the shelter of the village, or found yet greater safety in the pathless intricacies of the forest. Each group of villages was at deadly enmity with its neighbours." The degenerate Mogul administration "took no concern in criminal justice or police any further than as its interference in those respects might be made subservient to its immediate pecuniary gains; and the village communities, while they held the

[1] *Ibbetson*, 119. [2] pp. 102, 131.

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property of their own society sacred, habitually committed depredations and aggressions on other villages or on travellers, and generally shared the plunder they obtained with the ruling power or principal local authority. Revenue administration there was none; the cultivator followed the plough with a sword in his hand, the Collector came at the head of a regiment, and if he fared well another soon followed him to pick up the crumbs."[1] But the destruction of the old agricultural system enabled a fresh start to be made under British rule; and the intensive cultivation of commercial crops such as sugarcane and red pepper, which now characterises the neighbourhood of Delhi, must be attributed to the break down of the old traditional agricultural methods at the end of the eighteenth century.[2] The confusion which prevailed among the petty States under his control gradually led the Resident at Delhi to take every legitimate opportunity afforded by mismanagement or the death of the original grantee for the extension of the area of direct administration. To assist him in the management of this constantly increasing area, four "divisions" were formed under Principal Assistant Commissioners, which were the beginnings of the subsequent districts of Delhi, Rohtak, Gurgaon and Hissar. The Panipat (later Karnal) district was separately established in 1824, and in 1832 these five districts were brought under the Regulations[3] and included in the North Western Provinces, with which they remained incorporated till the Mutiny.[4] Little was done in the way of economic development; though an attempt was made to repair the old Mogul Western Jumna Canal, into which a small instalment of the waters of the Jumna was again diverted. "But the experiment was mistrusted both by Government and by the population of the tract affected, funds were severely restricted and the original alignment was consequently adhered to for reasons of economy, natural channels continuing to be utilised as far as possible and depressions being crossed on earthen banks with no adequate provision for the intercepted drainage. Swamps, as was to be expected, formed upstream of the canal, while the occasional collapse of the banks resulted in widespread injury to the villages and crops in the vicinity. The famine of 1832-33 led to the enlargement and multiplication of the irrigating channels, but these were

[1] *Ibbetson*, 119.
[2] *P.A.R.*, 14-5, 693; *S.M.*, 8, 10.
[3] p. 147.
[4] *P.A.R.*, 20, 694.

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executed in haste upon imperfect information and on bad alignments. Altogether the early history of the Western Jumna Canal is one of dearly bought lessons in hydraulic engineering." No check was put on over-irrigation and this combined with the faulty design of the canal itself caused large portions of the commanded tract to become water-logged. Saline efflorescence made its appearance and there were yearly epidemics of malaria.[1]

Land Revenue arrangements in the Delhi Territory.

The early settlements in the territory brought under direct administration were characterised by the severity and inelasticity which caused the contemporary settlements of the North Western Provinces to break down.[2] One reason given for the imposition of extravagant demands is significant. The majority of the largest and finest villages were in the possession of persons of wealth and influence, who were set one against each other in order to raise the revenue. In consequence of the feuds which existed among them, each endeavoured to outbid the other and enhance the assessment of his rival. Fortunately however, the greater part of the Delhi Territory did not come under direct British revenue management till wiser methods had been learnt by painful experience. Later settlements were based on "general considerations" by the "aggregate to detail method" recommended by Bird and Thomason,[3] and resulted in a large reduction of the land revenue demand.[4] The heaviness of the original assessments led the proprietors to welcome tenants, both to aid in paying the revenue, and in founding new villages or hamlets dependent on old villages. Such tenants paid no formal rent; but as the revenue burden was distributed by an all-round acreage rate, and as the proprietors held the best lands and the tenants paid equally for less desirable lands, the latter submitted to a sacrifice, or conferred benefits which were the equivalent of a rent payment. Permission was readily granted to such tenants to extend their holdings by taking up and cultivating any further waste land that they chose. Such tenants were subsequently recognised as entitled to special consideration and were recorded in the records of rights as occupancy tenants[5] in land of which they had been in cultivating occupancy for ten or twelve years. The records of rights of the North-Western Provinces were

[1] *P.A.R.*, 304. [2] p. 155. [3] pp. 159-63.
[4] *S.M.*, 19, 35; *L.S.B.I.*, vol. II, 532. [5] pp. 163-4.

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used in the Delhi Territory and these contained columns distinguishing between occupancy[1] and non-occupancy[2] tenants. These columns had to be filled up ; and consequently all tenants were put in one or the other, according to the general practice which regarded twelve years as the period of limitation necessary for the acquisition of any prescriptive right in India.[3] The question of land revenue assignments was also of considerable importance. Such grants had been divided by Akbar into several classes which may be grouped under two heads (1) those where both the land and the revenue were conveyed[4] and (2) those where the revenue only was assigned.[5] But with the decay of the Empire these fine distinctions were not always maintained. Unfortunately when control was assumed over the Delhi Territory in 1805, political theory was dominated by " doctrinaire " views as to the alienability of all private property. These assignments were regarded as private property and therefore alienable if hereditary, though if the original grant was only for a lifetime the only alienation permitted was a mortgage of the revenue during the lifetime of the grantee. These unfortunate orders were, however, subsequently modified on the ingenious technical ground that these assignments had been confirmed under the Regulations, which did not apply to the Delhi Territory at that time.[6] Since the time of Cornwallis the Governor-in-Council of each Presidency had been empowered to make Regulations having the force of law,[7] and he continued to exercise this power till 1833 when the authority to legislate was transferred to the General Legislative Council. " When therefore any territory was added by conquest or treaty to a Presidency—as it was first supposed would be the ordinary course—such territory or province came under the existing ' Regulations ' ; and further, the course of its *official appointments* was governed by an Act of Parliament." But when " provinces were acquired which were not, and could not be, annexed to any of the three Presidencies, their official staff could be provided as the Governor-General pleased, and was not governed by any Statute ". Moreover the existing Regulations of the Presidency Code did not apply unless that was clearly specified.

[1] *maurusi.* [2] *ghair-maurusi.*
[3] *L.S.B.I.*, vol. II, 704. [4] *milk, altamgha.*
[5] *suyurghal, jagir, aima, madad, ma'ash, istamrar.*
[6] *L.A.M.*, 129-30, 133-4 ; *Baden-Powell*, 297. [7] p. 147.

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"Such provinces were then called 'Non-Regulation Provinces'. Besides the whole provinces never 'regulationised', there were also parts of the older Presidencies which it was desirable to exempt from the ordinary law. The 'Non-Regulation Provinces', in fact, soon came to comprise the larger portion of the total number of districts in British India." This freedom from the Regulations enabled the Governor-General[1] to appoint to the task of first organising and conducting the administration of a newly acquired province, military and political officers, who had been engaged in the affairs of that province before its annexation. Subordinate appointments could also be made without regard to the rules which obtained in Regulation provinces. Moreover, the Deputy Commissioner (as the Collector or District Officer was styled in non-Regulation provinces) for some time continued to exercise civil as well as criminal and revenue powers in such areas. The territories to the right of the Jumna conquered from the Mahrattas in 1805 were not directly administered, and the Regulations did not therefore apply to them till 1832, when the Resident at Delhi was abolished and the Delhi Territory subjected to the domination of the Revenue Board and Courts of Justice of the North-Western Provinces.[2] On this pretext it was possible to subsequently modify the orders which had allowed the permanent alienation of revenue assignments in the Delhi Territory.[3]

The cis-Sutlej Sikh States.

Meantime closer relations had been formed with the cis-Sutlej Sikh States, which had been panic-stricken by the rise of Ranjit Singh's power beyond the Sutlej. Ranjit Singh now openly announced that he intended to swallow up the whole country as far as the Jumna, and the Sikh chiefs realised that the British alone could prevent their immediate subjection. Meanwhile Napoleon's aggressive designs in Europe had reacted on English policy in India, which now became itself aggressive in anticipation of the combined invasion of India by the French, Turks and Persians, which Napoleon had projected. In 1808 the arrival of a deputation from the cis-Sutlej States, invoking aid against Ranjit Singh, gave the British the opportunity of putting this

[1] Who was also, *ipso facto*, the Governor of the Bengal Presidency.

[2] *P.A.R.*, 69; *L.A.M.*, 131-2; *L.S.B.I.*, vol. I, 43, 50-2; *L.S.B.I.*, vol. II, 15n.

[3] In 1880, see *L.A.M.*, 132.

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policy into practice. The deputation was represented by the three leading States of Jind, Patiala and Kaithal, and the British assumed that the whole cis-Sutlej territory was parcelled out amongst relatively large states of the same character, who would be in a position to effectively administer the whole area. Accordingly their overtures were accepted; British protection was extended to the Sikh States between the Sutlej and the Jumna; and Ranjit Singh very unwillingly agreed to surrender his new acquisitions across the Sutlej, and to abstain from further encroachments across that river. "It was" (said the British proclamation) "clearer than the sun and better proved than the existence of yesterday" that the British action was prompted by the cis-Sutlej chiefs themselves, who were declared sole owners of their territories free of all tribute to the British, subject only to the condition of furnishing supplies for the British army and of assisting the British by arms against enemies from any quarter as occasion might arise. But the British soon realised that the states to which they had given their protection consisted for the most part of hordes of adventurers with no powers of cohesion, quarrelling with each other and oppressive to the peasantry. In 1811 the protected chiefs were sharply reminded that every man would have to be content with what he held in 1809 and that the British Government would not allow them to fight amongst themselves. The British political agency now established at Ambala made persistent efforts to enforce good government among the endless semi-independent states, who tried to evade the control necessitated by their frequent disputes and their acts of extortion and violent crime in dealing with the village communities in their territories. Year by year the British Government "was driven in self-defence to tighten the reins, and every opportunity was taken to strengthen its hold on the country by enforcing its claims through escheat to estates which lapsed on the death without lineal heirs of those to whom the British had granted possession in 1809, or their descendants. It was thus that the British district of Ambala gradually grew up, each successive lapse being made the occasion for settlements of the village revenue and the introduction of direct British rule. At the same time Government scrupulously observed the engagements of 1809, and (with the exception of the prohibition of internal war by the proclamation of 1811)

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the powers and privileges of the chiefs remained untouched. Each chief, great and small alike, had within his own territory absolute civil, criminal and fiscal jurisdiction subject only to the general authority of the Agent to the Governor-General. No tribute was taken from him, and though he was required in the case of war to aid the Government, yet no special contingent was fixed. The right of escheat was the sole return which the Government demanded for its protection. Throughout the long period of peace which followed, north of the Sutlej every vestige of independence vanished before the encroachments of Ranjit Singh, while the cis-Sutlej chiefs enjoyed a complete immunity from invasion, and retained undiminished rights of sovereignty. After thirty-six years, with the exception of a few states which had lapsed from failure of heirs, each chief still found himself the ruler of the territory which he or his fathers had held at the time when they passed under British protection".[1]

The colonisation of the south-east.

West of Delhi also disorder was necessitating interference by the British. In this territory (which now forms the Hissar district) there had during the eighteenth century been a sort of balance of power between the Sikh Jats to the north, the Mogul empire to the east, and the Bhattis, a wild Muhammadan tribe claiming Rajput origin, to the west. The great famine of 1783, which pressed with exceptional severity on this arid area, exhausted all three competitors, and allowed the English adventurer George Thomas to establish a temporary kingdom round Hissar. But his ambition brought on an attack by Sindhia, and his territories were conquered by the Mahrattas only to fall to the British in 1803, shortly after. But though a British military post was established at Hansi, to the east of Hissar, and native district officers[2] were placed in civil charge of the territory, little was done towards enforcing order till 1810, when an expedition was rendered necessary by the continued raids of the Bhatti chiefs. But even after their reduction no attempt was made to administer the country, which became subject to encroachments from the Sikh State of Patiala to the north. Taking advantage of British neglect, the Patiala officials organised a series of colonisations in this

[1] *S.M.*, 10; *L.A.M.*, 100; *P.A.R.*, 13-16; *Thorburn, P.P.W.*, 4, 7-10.

[2] *Nazim.*

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famine-wasted territory,[1] by voluntarily associated bodies of colonists.[2] The leaders of such a body would first obtain the permission of the Sikh sub-divisional officer[3] to acquire possession of one of the numerous deserted sites with which the country was covered, and the land attached to it. The colonists would then agree to pay a certain share of the produce of their fields, which would be small at first, but subject to increase later; while the official would grant a certain amount of land revenue-free,[4] which would be shared among all the original founders or the principal men among them. In return the leading colonists would be expected to present the sub-divisional officer with a horse or a sum of money.[5] The colonists would then proceed to the neighbourhood indicated and found a village in the prairie. "Usually the site chosen was close to some natural hollow in the ground where the rain-water would collect, and which could easily be made into a permanent pond." The traditional ceremonial followed in the foundation of the new village, bore some resemblance to that observed by the Greeks in founding a colony-city. The colonists consulted their Brahmins as to a lucky day for the rite; and on that day assembled on the site agreed upon. After a sacrificial fire had been kindled by the Brahmins, the colonists' headman planted a stake[6] in the ground, and then the other colonists each planted his own stake round this before beginning to build his house. The colonists who were present at this ceremony and assisted in the actual founding of the village were called stake-planters,[7] and considered to be the original settlers. The neighbouring fields were rudely tilled, and sometimes a small tower[8] was erected for the protection of the crop. "The next process was to divide the village land by lot, in accordance with the ancestral shares of the different castes or families who had founded the villages, or with any other system of shares on which they might have agreed to distribute their proprietary rights. For this purpose the whole area was first marked off into two or more primary divisions."[9] These again were sub-divided.[10] The last sub-division, after subtracting, if necessary, a sufficient quantity of land to be held in common for grazing purposes or for cultivation by

[1] *P.A.R.*, 14, 17, 20; *Gazetteer*, 220, 230-1.
[2] *Baden-Powell*, 323-4, 341; *L.S.B.I.*, vol. II, 615-16.
[3] *Kardar*. [4] *inam*. [5] *nazrana*. [6] *mori*.
[7] *Mori-gad*. [8] *burj*. [9] *taraf*. [10] into *pattis*.

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non-proprietary tenants, was then divided up into separate shares, each of the size which could be cultivated by one plough. After a few years of grain payments, a fixed cash assessment would be imposed by the Sikh Government, which would at the same time resume the revenue-free land[1] and give cash allowances to the headmen instead. This might render necessary a modification of the original distribution with a view to more easily meeting the fixed revenue demand.[2] Colonies on similar lines were also planted by the British, special grants of land, revenue-free for three generations, being made to troopers and officers of regiments of disbanded irregular cavalry.[3] The Sikh encroachments led to a long boundary dispute between the British Government and Patiala, which eventually (1837) withdrew from the territory encroached upon. The newly acquired territory was formed into a separate district known as Bhattiana, the old name (derived from the Bhatti tribe who were the principal inhabitants of that area) of the territory which subsequently became part of the later Sirsa district.[4]

The Simla and Kangra Hill States.

Meanwhile a new military power had arisen in the highlands and valleys on the southern slopes of the Himalayas. The Gurkhas, a race issuing out of the inter-mixture of high-caste Hindus with the Tibeto-Burman aborigines[5] of the hills, had learnt to drill and equip their troops on the English model, and had thus been able to dominate the whole Himalayan range from Bengal to the Jumna. Their conquests eventually brought them to the hill tracts overlooking the Punjab.[6] These tracts were still governed by Rajput kinglets (or Rajas) descended from those who had conquered the country at the time of the first Muhammadan invasions.[7] Here there were no village communities, but only collocations of hamlets grouped together by the Rajput rulers for the sake of fiscal convenience in revenue circuits,[8] each under a separate manager. Each kinglet was the landlord of the whole of his kingdom, in a much stronger degree than obtained elsewhere in India. The waste lands, great and small, were his waste, the arable lands were made up of the separate holdings of his tenants. Every holder of land derived his title from a deed of grant,[9] given to himself

[1] *inam.* [2] *L.S.B.I.*, vol. II, 678-81, 689-90.
[3] *L.A.M.*, 135. [4] *P.A.R.*, 20. [5] p. 30. [6] *Lyall*, 257.
[7] pp. 100-1. [8] *tappa.* [9] *patta.*

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or his ancestor by the kinglet, which assigned to him certain specified fields. Legal rights a landholder had none, but popular feeling distinguished clearly between what a good ruler ought, and what he ought not to do. A good ruler never evicted an old cultivator without very good reason, but there was no protection against a bad one for a cultivator of humble position, though a strong family of good caste or social position had little to fear. The rent due from the holder of each field was payable direct to the ruler. "In the waste the landholders had merely rights of user, which were not measured by the amount of land in their possession, and were in fact shared by residents in the same revenue circuit[1] who had no land at all. Grazing fees were exacted from all alike. The cattle were not confined within the limits of the particular circuit in which their owner lived. The rights of the landholder were not allowed to interfere with the power of the ruler to make allotments to new cultivators out of the waste, and there was no real difference between the title of the oldest and that of the latest grantee. There were often indeed certain hayfields near the cultivated holdings which landholders enclosed during parts of the year, and a grant of land to an outsider from these would have been looked upon as an act of tyranny on the part of the Raja. Exclusive rights of user were granted to shepherds in particular runs during a portion of each year, and these men were often not even subjects of the Raja, but merely drove their flocks into his territory for convenience of pasturage at particular seasons. Portions of the waste were also set apart as shooting preserves for the Raja."[2] The Rajput administration was not materially affected by the Mogul occupation of Kangra. The rich Kangra valley with its terraced rice fields retaining all the water which flowed from the encircling hills, became an imperial demesne, and only the barren hills remained in the possession of the native chiefs. In the graphic language of Akbar's famous minister, Todar Mal, "he cut off the meat and left the bones". Jehangir's wife, Nur Jehan, who gave her name to the town of Nurpur in the Kangra district, was greatly attracted by the beautiful valley, and contemplated making a permanent summer residence there. But the local rulers dreaded the extra expense which her visits involved. And Nur Jehan found that though every prospect pleased her,

[1] *tappa*. [2] *S.M.*, 151-3.

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man was apparently afflicted with goitre. Every time she went out she met people with enormous goitres, which she was informed was the result of living in the valley. Alarmed, she fled to the superior attractions of Kashmir, never realising that all the goitrous inhabitants of the neighbourhood had been collected together by the local officials, who wanted to get rid of her.[1] The statesmanlike policy of the Mogul Emperors transformed the Rajput chiefs into Mogul officials exercising judicial and revenue powers under Mogul deeds of grant. But as the Mogul Empire declined, the Rajput chiefs gradually regained their independence, and in particular Sansar Chand, the legitimate Rajput prince of Kangra, regained the fort of Kangra and extended his dominions over the whole valley. Unfortunately his ambitious designs alarmed his neighbours, one of whom called in the dangerous aid of the Gurkhas. Sansar Chand was completely defeated by the Gurkhas, who overran a large part of the hill country of Kangra, and kept up a constant warfare with the Rajput chieftains who still retained their independence. "The people fled as refugees to the plains while the minor princes aggravated the general disorder by acts of anarchy on their own account.". The country ran with blood, not a blade of cultivation was to be seen, and grass grew and tigers whelped in the streets of the deserted towns. At length, after three years of anarchy, Sansar Chand determined to invoke the assistance of the Sikhs. Ranjit Singh, always ready to seize upon every opportunity for aggression, entered Kangra and gave battle to the Gurkhas (1809). After a long and furious contest, he was successful, and the Gurkhas abandoned their conquests beyond the Sutlej. But the iron despotism of the Sikhs was much more galling to the high-spirited well-bred Rajputs than the tactful handling of the Moguls. The hill Rajas were degraded into mere assignees of the land revenue, and lost all their administrative authority. But the Gurkhas continued to exercise terrible oppression over the Simla Hill States to the east of the Sutlej, till having come into collision with the British, they were defeated in 1815 and forced to surrender all these territories. "The policy adopted was the same as in the plains. The hill territories were made over to such chiefs as could substantiate any claim to having ruled in the hills

[1] This story was told me by a Kangra Rajput. This method of getting rid of undesirable tourists is not altogether extinct.

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before the advent of the Gurkhas, and the states so established were placed under an Assistant to the Delhi Resident posted to the hill station of Subathu. In the hills this system proved permanent, and the Simla Hill States remain to-day substantially as originally established."[1]

Condition of the cis-Sutlej territory.

Meanwhile political control over the Sikh states was exercised until 1840 by the British representative at Delhi and his Assistants, who were also responsible for the administration of the territories which lapsed in default of heirs. In 1840 an Agent to the Governor-General was appointed for the North-West Frontier with headquarters at Ambala, and in 1842 the administration of the escheated territories was also transferred to him. As they lapsed to the British, the escheated territories were subjected to summary land-revenue assessments for short periods. In these assessments the land revenue demand was fixed by commuting at cash rates the previous heavy grain collections of the Sikhs. It was not then realised that a fixed cash assessment must be far lower than the revenue paid by a division of crops, which necessarily fluctuated automatically with the character of the season. The revenue management was exceedingly bad, and the excessive demands were wrung from the people by harsh and often illegal methods. The difficulties of administration were accentuated by the intermixture of the lapsed British territories with those which still remained under their original Sikh conquerors.[2] The whole country was in hopeless disorder. "The arm of the law, if law it can be called, was paralysed; no protection was given to property; indeed the States set the example, and plundered without remorse. Cattle at graze were attended by bodies of armed men; wars and bloodshed were frequent and common; and want of security caused the villages to plunder in self-defence. Occasionally attempts were made to extend cultivation by cuts from the streams, but these required a small dam across the channel which it was necessary to protect by a tower; even a well could not be worked without a tower in which the woodwork and bullocks were deposited during the night, or on the approach of plunderers. The powerful villages only paid as much revenue as they found convenient.

[1] *S.M.*, 154; *Ibbetson*, 121; *L.S.B.I.*, vol. II, 698; *Gazetteer*, 356-7; *Lyall*, 258.

[2] *P.A.R.*, 19, 21, 693-4; *S.M.*, 11, 42; *Gazetteer*, 329; *L.A.M.*, 100.

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The crimes which were acknowledged, were punished by fine with imprisonment until payment. Open evidence was unnecessary to conviction, the secret information of a spy was ample, and the fact of possessing the wherewithal more than conclusive. Murder was punishable by fine; and cheating, forgery, and unnatural offences were considered good jokes."[1] In the Delhi Territory to the south, things were much better, confiscation for mismanagement and resumptions on the death of the original grantee having gradually brought most of the territory under direct British administration.[2]

Afghanistan and Sind.

Slowly the British were encircling Ranjit Singh. Having confined him to the Sutlej on the south-east, they then headed him off towards the south-west from Sind which he wished to conquer, but which they wanted for commercial expansion. Ethnographically, commercially and geographically, Sind was a natural dependency of the Land of the Five Rivers. Its people did not differ materially from the Muhammadans of the south-west Punjab, with which it was united commercially by the Indus. But the only way of approach for the British lay from Bombay, and thus arose that artificial connection between Bombay and Sind which has since actuated to stifle the free growth of the natural port of northern India at the mouth of the Indus. This ear-marking of Sind by the British was exceptionally galling to the Sikhs, but Ranjit Singh, too wise to come in conflict with the British, directed his arms north and west. Kashmir was conquered and Peshawar fell, as much through the diplomacy of Ranjit Singh as the arms of the Sikh soldiery.[3] The Afghan kingdom had been growing steadily weaker under the combined pressure of the Sikhs on the east and Persia on the west. Persia was backed by Russia, whose march across Asia, suspended by the Napoleonic wars, had latterly been resumed. The presence of Russia was felt throughout all Central Asia from the Caspian Sea to the Oxus, and she had recently (1828) established a preponderant influence over Persia. "The cardinal point of the whole Asiatic question was now becoming fixed in Afghanistan. From its situation, its natural strength, its high strategic value, this country has been always a position of the highest importance to the rulers of India, and the claims of Persia brought it prominently upon

[1] *Ibbetson*, 120. [2] *P.A.R.*, 19.
[3] *Innes*, 230; *Thorburn*, *P.P.W.*, 16.

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the political foreground. The British Government at home laid down the principle, big with momentous consequence, that the independence and integrity of Afghanistan are essential to the security of India." Unfortunately this principle was applied in the wrong way. Instead of consolidating the power of Dost Muhammad, the *de facto* ruler, Lord Auckland, a Viceroy of the pig-headed variety, planned an expedition to reinstate Shah Shuja (the descendant of Ahmad Shah the Abdallee), an incompetent whose unpopularity had already once lost him the Afghan throne. To the crafty Sikh ruler at Lahore, the English must have appeared going mad, and though he agreed to become an accomplice in the expedition, it was under conditions of very limited liability. As a result of the campaign Shah Shuja was easily replaced on the Afghan throne, and the English remained in military occupation of the country round Kabul and Kandahar for about two years. But the whole plan had been ill-conceived politically, and from a strategic point of view the expedition had been rash and dangerous. The base of operations for the invasion lay in Sind, whose rulers were justifiably somewhat suspicious of British designs, while its communications lay through the Punjab, which Ranjit Singh's death (1839) left open to anti-British influences. That a disastrous retreat (1841-42) should result from the untenable position at Kabul was hardly surprising; and after honour had been satisfied by the recapture of Kabul, the British withdrew their forces from Afghanistan, evacuated the country and abandoned the enterprise.[1] This was the first serious disaster to British arms in India, and the resulting loss of prestige sowed the seeds of the Gwalior revolt, the Sikh Wars, and the Indian mutiny. The subsequent annexation of Sind (1843) was excused (though not justified) by the very lukewarm assistance given by the Sind rulers to the Afghan expedition. The Hindustani sepoys of the Bengal army objected to service in Sind, and their attitude became so mutinous that the province was definitely attached to Bombay and associated with the Bombay army. But the annexation, though strategically sound both in conception and execution, marked a definite departure from the unaggressive policy, which had hitherto characterised the British in India. Two effective Indian armies still

[1] *Lyall*, 243-5; 268-71; *Innes*, 223-30, 234-46; *Thorburn, P.P.W.*, 17.

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remained, that of the Sikhs, and the mercenary Hindustani army of the Mahratta leader Sindhia, whose dominions had been reduced to the territory round Gwalior. Both Gwalior and the Punjab became alarmed at these new encroachments. But the Gwalior army was attacked and dispersed before the difficulties with the more formidable Punjab army had come to a head.[1]

The First Sikh War.

Good leaders had always been few amongst the democratic Jat Sikhs, and this defect had been accentuated by Ranjit Singh's jealousy of possible rivals. Moreover, all the outstanding men, including Ranjit Singh's legitimate heirs, were rapidly removed by the series of assassinations which followed on his death. The only capable survivor of this game of political skittles was Gulab Singh. Born in the submontane district of Jammu, of humble origin and mixed Rajput descent,[2] "his good looks, insinuating manners, ability, and undoubted courage had early gained for him the favour of Ranjit Singh. In 1819 his master had employed him in an enterprise, the successful execution of which required considerable finesse—the peaceful acquisition of Kishtwar, a hill principality. The mission was carried out with such tact—the State being seized by artifice and its ruler deported to Lahore and there quietly poisoned—that Gulab Singh's grateful sovereign rewarded him with the chiefship of Jammu. The new favourite's experience in Kishtwar was now useful to him; during the next twenty years, by force or fraud, the estates of his neighbours one after another fell into his hands, and so powerful did he become that when his master died he was the greatest man in the Punjab. With the Sikhs themselves he was never popular. As a people they were hearty, boisterous, greedy, and often unscrupulous, but never unnecessarily cruel; and they shrank from a chief who massacred prisoners in cold blood, flayed men alive, stuffed the skins and hung them up like scarecrows, designedly treated his people as peasants do their well-bullocks in a drought year, and was commonly believed to have needlessly put to death over 12,000 persons. In the six years of increasing disorder following Ranjit Singh's death, Gulab Singh played his cards with such dexterity that in 1845, by which time the Khalsa army had usurped all authority in the plains, he was ruler in the hills of several principalities, including the valley of

[1] *Innes*, XXI. [2] p. 101.

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Kashmir, and the master of a large army, ill-conditioned levies in reality, but believed by Sikhs and English alike to possess fighting powers of a high order. Comparatively secure in his mountains, he had acquiesced in the bestowal of the empty title of Maharaja on Dhulip Singh, the child by an unknown father of a nautch-girl named Jindan, who had cleverly affiliated the boy on Ranjit Singh." Meantime the Sikh army was growing more and more discontented with its incompetent rulers. "As the process of disintegration advanced, the men in each regiment formed themselves into political clubs, elected representatives, and sent them to the capital, as occasion demanded, for the purpose of protecting their common interests." These clubs were formed on the model of the committees of elders[1] of the villages from which the Sikh soldiery were recruited. Eventually the independent committees, at first only occasionally sent to Lahore, began to act in co-operation and form themselves into a sort of Sikh Parliament. Like the Roman Prætorian Guard, the Sikh regular army had now begun to realise its power. Its appetite had been whetted, but not satisfied, by donatives and increases of pay from the rival politicians, and it had now become a nuisance both to Gulab Singh and the Queen Mother, the Rani[2] Jindan herself. A brilliant solution of the problem was found in the precipitation of the excitable Sikh soldiery against the English. Defeat would get rid of the unruly army, while the credit of victory would accrue to the plotters. Their plans were unwittingly assisted by the English. As long as they had remained involved in the Afghan bungle, the English had carefully abstained from provocative action against the Sikhs. Once extricated, however, they disclosed their aggressive propensities in Sind and Gwalior, and still further alarmed the Sikhs by reinforcing Ferozepore and pushing forward men and munitions to the Sutlej.[3] After this war was inevitable; and the Sikh Parliament, now in permanent session at Lahore, suddenly called the Sikh nation to arms[4] and marched the army to the Sutlej. The war that ensued may be described as one between lions led by asses, the picture featuring in the latter capacity the Rani's paramour Lal Singh, his second-in-command Tej Singh, and the British Commander-in-Chief, Sir Hugh (afterwards Lord) Gough.

[1] p. 24. [2] *Rani* = Queen.
[3] *Innes*, 256-9; *Thorburn*, *P.P.W.*, 26-34. [4] November, 1845.

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The British soldier for the first time in India met his match in the Sikh infantryman, who was far superior to the Hindustani sepoy of the British army, shivering in the cold of a Punjab winter. Two rational courses were open to the Sikhs: either to entrench on the Sutlej, which would have presented a formidable strategical barrier to the British advance, or to cross it, destroy the small British force at Ferozepore, and sweep on to Delhi. Neither of these courses was chosen. Instead they crossed the Sutlej, and then entrenched near Ferozepore with the river in their rear, making no attempt to attack Ferozepore, whither Lord Gough was hastening with reinforcements. But the British General, whose strategical conceptions were those of a company commander, and who failed to appreciate the military value of the Sikh forces, nearly brought on disaster by making a precipitate attack with the bayonet; and the situation was only saved by the still greater incompetence (or worse) of Tej Singh, who withdrew across the Sutlej when victory was almost within the grasp of the Sikhs. But the English had now learnt caution, and when the Sikhs repeated their previous error by crossing the Sutlej again and entrenching near Ludhiana, they were given no further opportunity to retrieve it. After hard fighting the Sikh entrenchments were forced, the river in their rear turned the retreat into a rout, and the Sikh army was destroyed.[1]

The cis-Sutlej states and Jullundur.

The march of the British armies had lain through the territories of the cis-Sutlej Sikh States, which had responded to British requisitions for men and supplies with passive obstruction or open hostility. Their sympathies were all with the Sikhs, and their value as allies to the British was now seen to be negligible, few chiefs displaying their loyalty to their engagements more conspicuously than by abstaining from open rebellion. Bad as administrators, they were now seen to be unreliable as allies, and the British Indian Government unhesitatingly resolved to reduce their privileges. The most flagrant offenders amongst the defaulting chiefs were deprived of their police jurisdiction and of their right to levy customs and transit dues, while the obligation to furnish troops was commuted for a money payment. Nine chiefs only were exempted from this arrangement and allowed to retain full powers, of which Patiala,

[1] *Thorburn, P.P.W.*, 34-72; *Innes*, 259-62.

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Nabha, Jind, Maler Kotla, Faridkot and Kalsia still survive. The remainder were for a short time allowed to collect the revenue of their villages in kind as heretofore. But it soon became apparent that, after the loss of their police powers, they were unable to collect land revenue; and the question of a regular settlement of their estates was under consideration at the outbreak of the Second Sikh War.[1] A commissioner of the cis-Sutlej States was posted at Ambala, and districts were formed at Thanesar, Ludhiana, Ferozepore and Ambala out of the lapsed and confiscated territories. Meantime, the profits of the First Sikh War had been divided between the British and the cowards and traitors at Lahore at the expense of the valiant Sikh soldiery. The cunning opportunist, Gulab Singh, received Kashmir and Jammu as the reward of his treacherous neutrality, the British took the Doab, the rich and beautiful country, hill and plain, between the Sutlej and the Beas, while the Lahore State was reconstructed under the influence of the Queen Mother with Henry Lawrence as British Resident. In the meantime the men of the Sikh army, beaten, disarmed and disbanded, had scattered, some to their hereditary vocation of agriculture, some to re-enlist as soldiers under the new administration, and not a few to discontented idling. The ceded territories between the Sutlej and Beas became the British districts of Jullundur, Hoshiarpur and Kangra under John Lawrence as Commissioner at Jullundur, the Sikh chief of Kapurthala being maintained in independent possession of his estates in the newly ceded area. In the hills their possessions were secured to the Rajput chiefs of Mandi and Suket; and Chamba, which was at first given to Gulab Singh, was declared independent in 1848. Over the British districts John Lawrence ruled as a despot backed by physical force. "With such determination did he thrust the administrative methods of Western civilisation upon his bewildered peasantry, that within a period of five months he had substituted throughout his 2,000 villages fixed money assessments for fluctuating grain exactions, had established courts of justice, made roads, started schools, introduced a postal system, and even attempted to inaugurate by order uniformity in weights and measures—a reform not yet accomplished in any part of India."[2] His summary

[1] *L.S.B.I.*, vol. I, 44; *S.M.*, 11,12; *P.A.R.*, 21; *L.A.R.*, 100.
[2] *Thorburn, P.P.W.*, 73-5; *S.M.*, 13; *Lawrence*, 28; *P.A.R.*, 22.

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settlements were more reasonable than might have been expected, especially in the two plain districts of Jullundur and Hoshiarpur, where the Settlement Officers were a good deal influenced by their knowledge of the success of Misr Rup Lal's[1] assessments.[2]

The Regency.

The Lahore State was now reduced to the triangle between the Himalayas, the Sutlej, and the Indus valley (which it included). Of this area the essentially Sikh part was the Manjha,[3] the northern half of the country between the Sutlej and the Ravi, containing the political and religious Sikh capitals of Lahore and Amritsar. Westwards of the Ravi the population was progressively more and more Muhammadan, "intensifying from the mild cis-Chenab blends of Jats and Rajputs, whose Moslem sections were lukewarm proselytes of a few generations, to the uncompromising bigots of the Indus regions". South of those northern and central tracts lay the old Mogul province of Multan, a country of deserts, jungle, and riverain belts of alluvial soil, in which the Punjab rivers successively united their streams. Those wild regions were occupied by groups of rude Muhammadan tribes, most of them breeders and herders of cattle, and all of them thievish as Ishmaelites.[4] Over this Lahore State the Resident, Henry Lawrence, with a heart as tender as that of his brother John, "a brain bigger and finer, and a foresight more comprehensive and penetrating, was striving for months to carry out his impossible mandate of ruling without reigning". He could do nothing except through the Queen Mother, and her Prime Minister and paramour Lal Singh. Though the reforms Henry Lawrence sought to introduce were far less sweeping than those already carried out by his brother, yet even they required money, and that necessitated the reduction of the army, and of hordes of useless functionaries. "But as the pay of all was in arrears, and the abolition of the most objectionable taxes had first to be taken in hand, most of his projects remained good intentions and nothing more." He could effect no ameliorations in existing conditions without causing loss of income to the ruling clique and of perquisites to their parasites. "To obtain some honesty in officials predicated a perception of principle in persons hereditarily unprincipled. He found the treasury empty, receipts anticipated, the privileged classes solid against

[1] p. 184. [2] *S.M.*, 42. [3] p. 9, n. 2. [4] *Thorburn, P.P.W.*, 78-80.

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reforms." During a temporary breakdown Henry Lawrence's place was taken by his brother John, who bluntly represented to the Viceroy that unless the British Resident were empowered to govern the country directly, his presence at Lahore was useless. A pretext for intervention was soon found, and a new form of government devised—a Council of Regency consisting of eight Sikh chiefs, under the unlimited control of the British Resident. A number of Englishmen, most of them young military officers, were appointed as Assistants to the Resident. The country was divided into inspection circles, and each officer at the end of his tour made a report to the Resident, who was now for all practical purposes Regent. It now began to dawn on the Sikhs that they had imprudently signed away their independence, or in other words their right to misgovern other classes in their own interests. They foresaw that in every case the English would find some plea for perpetuating their strait-laced system and interdicting a reversion to the good old days when Ranjit Singh was sole lord of the Punjab. Soothed to a certain extent by the tactful handling of Henry Lawrence on his return to duty, their discontent was aggravated by the rigorous administration of John who returned after Henry's second breakdown. "He at once proceeded to initiate and push root-and-branch reforms; he gave minute instructions to his assistants for carrying out the land-revenue settlement throughout the Lahore State, which he treated as if already conquered and annexed." In his despatch on the subject to the Governor-General he explained that by his "plan, the amount demandable from every village shall be defined with punctual return of the collections". This settlement "work was done hastily by young officers with no previous settlement experience, with no measurements to help them, and with only such local knowledge as they could gain in the course of hurried tours. The collections of the past few years as shown in the Sikh accounts were taken as the main guide to the amount of the new revenue assessment, but abatements of varying amount were allowed." Having started his assessments John Lawrence "next reformed the customs and excise systems and then turned his attention to methodising the administration of justice by appointing the best men available as judges in different localities, and preparing codes and rules of procedure for their guidance. In other departments he was

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equally energetic. He appointed a Postmaster-General and introduced the penny post, reporting with satisfaction that in six days 150 letters, for each one of which one anna had been prepaid, had been despatched from Lahore to Peshawar. In the delicate field of domestic politics he was no less decided. He annulled the Sikh law which forbade the *azan* or Muhammadan call to prayers being cried in the hearing of Hindus. He regarded Sikh sub-divisional officers[1] whose payments were in arrears,—some of them men hitherto quasi-sovereigns within their respective jurisdictions,—as mere revenue defaulters, ordered them to settle their accounts at once, and if they failed imprisoned them like felons." "To treat as common defaulters and malefactors dignitaries, who for years had exercised despotic powers within their principalities, may have been justice but was not wisdom."[2] Having thus sown the wind, John Lawrence proceeded on furlough, leaving his successor Sir Frederick Currie to reap the whirlwind.

The Second Sikh War.

One of the Sikh administrators who had been specially singled out for castigation by John Lawrence, was Mulraj, who had succeeded to the administration of his father, Sawan Mal,[3] at Multan. Though Sawan Mal had managed his district despotically, he had been careful not to overstep his position as a revenue-farmer. But Mulraj, " vain, weak, and grasping, aspired to rule as a sovereign, but had not the capacity to exact obedience from his own servants ". His short *régime* was characterised by the reappearance of disorder " and the partially reclaimed pastoral tribes, outside the irrigated tracts in the neighbourhood of Multan, relapsed into their pristine state of barbarism ". Badgered and harassed by John Lawrence, he showed no apparent opposition when a British officer was sent to supersede him. But the discontent, which was everywhere rife, came to a head at Multan and resulted in the murder of the British officer and his assistant on their arrival at Multan. The rebellion was in its inception a Muhammadan one, but Mulraj, who now showed energy and capacity, did his best to inflame the Sikhs. The danger was accentuated by the Fabian procrastination of the Government of India. Gough, the Commander-in-Chief, who had been granted a peerage for his mismanagement of the First Sikh War, hoped for further

[1] *Kardar.*

[2] *Thorburn, P.P.W.*, 89-96; *S.M.*, 42.

[3] p. 186.

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honours from another successful campaign. But he wanted it waged comfortly the next cold weather. Dalhousie, the new Viceroy, was agreeable to a delay, which might give the Sikhs time to commit themselves, and thus afford him the pretext for annexing the Punjab. Meanwhile they were both perfectly happy in Simla, paralysing the unfortunate Currie with instructions to the effect that the matter concerned the Sikh government at Lahore and had nothing to do with the British. But the straightforward Englishmen in the plains, either not understanding or not sympathising with the vaulting ambition of Gough, and the Machiavellian schemes of Dalhousie, realising only that two Englishmen had been murdered and that Multan was in rebellion against what was practically a British Government, began to take action. Edwardes, whose sympathetic administration of the southern Frontier districts had secured the loyalty of the Muhammadans of those parts, at once called on the Nawab of Bahawalpur, the only remaining Muhammadan power in the Punjab, to aid him in attacking Multan. "At the same time, by freely enlisting the Pathans and Baluchis of the Lower Indus and blooding them in some small actions, he secured the aid of the Muhammadan population of the country in the impending struggle with their hereditary foes and oppressors, the Sikhs." But a large force of Sikh regulars, which was despatched from Lahore by Currie to join in the siege of Multan, went over to Mulraj, though not without considerable hesitation. A Sikh war was now inevitable, and Dalhousie and Gough joyfully prepared for a grand campaign in the cold weather. But the Sikhs were as unprepared as the British. The Sikh regular army was for the most part dispersed among the hostile Muhammadan population of the Frontier. It was not till the commencement of the cold weather that it was able to assemble, and even then it was massed to the north of the Chenab amongst a mainly Muhammadan population, isolated from the rich and essentially Sikh tract of the Manjha. Meantime the British army outside Multan had been reinforced from Bombay, and policy demanded that the British should await the capture of Multan and the release of its besiegers before attacking the capable Sikh general, Sher Singh. Unfortunately Gough, stung to action by the captious criticism of Dalhousie, launched a headlong attack on a carefully chosen Sikh position at Chilianwala, and led to an encounter which the

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capable generalship of Sher Singh nearly turned into a disaster for the British. But the Sikhs failed to follow up their success. Lack of supplies in a barren half-hostile country drove them into the open, where the British, now reinforced by the besiegers of Multan, inflicted a crushing and final defeat on them near Gujrat, a defeat which finally broke the power of the Sikhs, and made the British, in name as well as in fact, rulers of the Punjab.[1] The Governor-General's proclamation of 1849, annexing the Punjab to the British crown, carried the British territorial frontier across the Indus right up to the base of the Afghan hills, finally extinguished the long rivalry of the native Indian powers, and absorbed under British sovereignty the last kingdom that remained outside the pale of British empire in India. In the new province of the Punjab, now formed, the cis-Sutlej Commissioner's charge was included.[2]

[1] *Innes*, 266-72; *Thorburn, P.P.W.*, 83-4, 92-4, VI-IX.
[2] *Lyall*, 274-5; *S.M.*, 12.

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CHAPTER V

THE PUNJAB UNDER THE BRITISH

1. British Administration

Iam redit et Virgo, redeunt Saturnia regna;
Iam nova progenies caelo demittitur alto.[1]
VIRGIL: *Eclogues*, iv.

THE early history of the Punjab was bound up with that of central and western Asia. From the dawn of history the population of these regions overflowed into India through the Punjab via Bactria; the Aryan invasion being one which left a permanent mark on the history of India. Under the Persian and Greek empires the Punjab was definitely united to the West, and under the Græco-Bactrians and Scythians to Central Asia. Even in the Rajput era which succeeded, when Hinduism reached its zenith, the tribal political system of the Punjab bore more resemblance to contemporary Central Asia than to the Brahminised states of the Ganges valley. The connection with western Asia was renewed by the Muhammadan invasions, and for a time the Punjab was politically subordinate to Afghanistan. But with the establishment of a Muhammadan kingdom at Delhi the tide began to turn. The connection with Central Asia was still kept up, but the political centre gravitated more and more towards Delhi. The Mongol invasions led to no permanent political result, and with the Mogul empire the Punjab became definitely a part of India, while by the establishment of the Sikh kingdom it was as definitely cut off from Central Asia. Finally the British conquest again united the Land of the Five Rivers to the rest of India, and as effectively prevented reunion with Afghanistan and the countries beyond.

The Punjab and India.

[1] "A golden progeny from Heaven descends."—Dryden's translation.

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Two men were obviously marked out for the administration of the new British Province; Henry Lawrence, in whose kindly temperament alone the Sikhs had any confidence, and his hard-headed brother John, who might be trusted to disagree with him on most subjects connected with expenditure. To these Dalhousie added as a peacemaker Mansel, " a dilettante philosopher and critic, whose habit was to raise objections to every proposal, but never to come to any conclusion himself. The machine so constituted was officially christened a 'Board of Administration' but as President and members had each equal powers, and all three joint responsibility, there was no prospect that such a trinity would be one and indivisible ", a situation admirably suited to the taste of the interfering Dalhousie.[1] The reconciliation of the Sikhs to the new regime was due partly to the tactful handling of Henry Lawrence, but more to the political sagacity of the Sikhs themselves, " who appeared to have made up their mind to accept their beating as final, and rise to wealth and honour under a race, whose power and worth they had already learned to appreciate ".[2] But soon the administration began to suffer from the differences between the two brothers, which came to a head over the question of the treatment of the beneficiaries under the Sikh system. These ranged from the revenue assignees of many villages to petty endowed institutions such as alms-houses and religious infant-schools in villages. Dalhousie vainly attempted to ease the situation by appointing, in place of Mansel, Robert Montgomery,[3] the life-long friend of the two brothers, to act as a sort of umpire between them. But " John regarded most of the big grantees either as ex-rebels or drones, and as such undeserving; Henry held that, in the mass, they were worthy patriots fallen on evil days, and politically and morally entitled to liberal treatment. Talk and reason as Montgomery might, he could not shake their conflicting convictions." Finally in 1853 Dalhousie put an end to the *impasse* by transferring Henry Lawrence, and giving the Punjab a one-man government under John Lawrence as Chief Commissioner.[4] Little harm

The Lawrence brothers.

[1] *P.A.R.*, 24; *Thorburn, P.P.W.*, 151-3, 190.

[2] *Thorburn, P.P.W.*, 150, 159-61.

[3] who gave his name to the town and district of Montgomery, and the Montgomery Hall in Lahore.

[4] *Thorburn, P.P.W.*, 178-80; *S.M.*, 14.

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was done by the change. "Antagonistic as were the ideas of the Lawrence brothers, most of the subordinate officers had already absorbed the spirit" of Henry before he was transferred; while John, more canny than his brother, kept his eye on Dalhousie and "imported a greater strictness of method and a closer attention to detail than was compatible with Henry's temperament or was much to the taste of the brilliant subordinates, who chafed against the bonds of what seemed to them superfluous control. Nevertheless, they were allowed in their own districts a freedom of initiative and an amplitude of personal responsibility unknown" in other provinces. However deeply the Sikh leaders might resent their loss of power, prestige, and wealth, to the population in general the new order of things quickly proved acceptable enough. Many taxes were removed altogether; others which had been intolerably heavy were very much lightened, with the usual paradoxical result that they yielded a greatly increased revenue, owing to the increased demand and the improved profit on production. Reasonable assessments reconciled the frontier tribes to paying their dues without having an army sent to extort them. The hill-men found their thirst for fighting satisfied in the ranks of Coke's Rifles or Lumsden's Guides; and their military talents were utilised in the suppression instead of in the practice of robbery, the bandit or assassin of one day becoming the loyal soldier of the next.[1] Thuggee[2] was exterminated. The excellently equipped telegraph line laid under Dalhousie's orders from Calcutta to Peshawar had a military as well as economic importance. The "string that strangles us" (as a doomed sepoy called it) delivered the message of the Meerut mutiny from Delhi to Lahore, Rawalpindi, and Peshawar and thus "saved the Punjab from much bloodshed and confusion, perhaps even the British dominion in Bengal from temporary extinction".[3]

The Indian Mutiny.

The superficial brilliancy of Dalhousie's administration blinded him to the evil effects of doctrinaire methods of administration in the North-Western Provinces, where the old peasant proprietors were being rapidly expropriated by auction purchasers and money-lenders.[4] It

[1] *Innes*, 291-2.
[2] p. 103.
[3] *Thorburn, P.P.W.*, 187.
[4] p. 162; *Thorburn, M.M.*, 52; *Memorandum*, 51n.

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was from these peasant proprietors that the majority of the Bengal army was recruited, and agrarian discontent served to accentuate the fears and suspicions which the rapid introduction of Western methods of government had inspired in the high caste sepoys.[1] The general pacification of the whole country after the Sikh Wars had left this mercenary army idle and restless, with time to ponder over its grievances, real and imaginary.[2] During the Sikh and Afghan Wars its numbers had been greatly increased, while the number of British regiments had remained nearly stationary, and of these the great majority were now garrisoning the Punjab. The best British officers, disgusted with these piping times of peace, left military service for civil appointments, which in the Punjab offered unlimited scope for enterprise and initiative. Thus in the North-Western Provinces, seething as they were with discontent, the English dominion was almost wholly represented by a few doctrinaire civilians (the most capable having gone to the Punjab) and a large number of pampered semi-mutinous sepoy regiments, each indifferently supervised by a routinist Colonel and Major, an adjutant, and a few English boys, many of them still learning their drill and the rudiments of Hindustani.[3] Thus all the requisite conditions were prepared for a mutiny on a large scale, when Dalhousie by the annexation of Oudh extended the doctrinaire system to the central sepoy recruiting ground, and threatened the Oudh sepoys also with that expropriation from their lands which seemed the inevitable accompaniment of British rule.

Triumph of the Punjab.

Fortunately the Punjab was some thirty years behind the North-Western Provinces in what the doctrinaires denominated " progress ".[4] Its hardy peasantry had learned to appreciate freedom from Sikh oppression, and had not yet come under the more humiliating domination of the lawyer and the money-lender.[5] But the offensive airs of the Hindustani garrison were particularly galling to the martial Sikhs, who attributed their defeat to the hard fighting of the English private alone, and burned to revenge themselves

[1] *Thorburn, P.P.W.*, 189-91, 195-6, 226.

[2] *Lyall*, 275.

[3] *Innes*, 314-15.

[4] This term, which strictly denotes motion towards a goal, is usually assumed to connote motion towards a desirable goal. But there may be a Rake's Progress as well as a Pilgrim's Progress.

[5] *Thorburn, P.P.W.*, 19 ; *Thorburn, M.M.*, 52.

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on the insolent sepoys, who had never dared to meet them face to face in the bloody battles near Ferozepore and Chillianwala. They recollected, too, with bitterness that it was the Hindustanis in the Sikh service who had originally been foremost in urging on that war with the British which had lost them their independence. Since that war not only was the Sikh fatherland garrisoned by those double-faced intruders, but every civil post of emolument was held by them.[1] Moreover, their admiration was excited by the swift stern measures, taken by John Lawrence and his galaxy of brilliant subordinates, to disarm the Hindustani regiments in the Punjab, when the first news of the Mutiny was wired from Delhi. This military action was rendered more effective by the subsidiary measures taken by the civil authorities to prevent the possible spread of disaffection. "Civil officers were immediately empowered to try and punish summarily, even with death, offences affecting the public tranquillity; a strict but judicious censorship was maintained over the native press; all letters addressed to sepoys were opened, and much curious and valuable information was thereby obtained. All treasure was concentrated at places where a European guard could be obtained. The ferries over the five great rivers of the Punjab were guarded with special care, and the country was thus divided into blocks of territory insulated from each other. All Hindustanis without employment were deported out of the Punjab, and mendicants and roving *faqirs* coming from the east were turned back." But while the rural population eagerly co-operated in the enforcement of these measures, the attitude of the money-lending classes was characterised by a niggardly distrust, and their loyalty was only secured by the exaction of a forced loan.[2] Great was the public joy at seeing these usurers disgorge their ill-gotten gains, and great the respect for the power which did not fear to assert itself in difficulties. This loan served also to ease the financial difficulties which the Province experienced in meeting a heavy military expenditure, at a time when all remittances from Calcutta were cut off and it took some time for money from Bombay to reach Lahore. Disorders were kept in check by fining the persons, villages or towns implicated in them, to the amount of the property plundered. "Lastly, the active

[1] *Thorburn, P.P.W.*, 198, 227-8; *Innes*, 314-15.

[2] Rs. 41 lakhs.

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co-operation of the people in the extirpation of the mutineers was secured by paying a reward of Rs. 50 for every mutinous sepoy delivered up alive, the captors being permitted to retain any property found on his person. The effect of this order was to place the Hindustanis as soon as they left cantonments among a nation of enemies."[1] These measures sufficed for the security of the Province as a whole, though local outbreaks in the hills of the north-west and amongst the pastoral tribes in the jungles between Lahore and Multan showed what the danger might have been had the Government shown any signs of weakness.[2] In the country round Delhi anarchy supervened. Old feuds broke out afresh. Tribes and villages made war on each other, each side appealing to the British or the mutineers for assistance in quarrels which were really parochial in their origin. Meanwhile the leisurely Commander-in-Chief, an excellent whist-player, who had slowly descended from Simla to Ambala and even talked of entrenching himself there, had been goaded into action by John Lawrence, who quoted a maxim from the Chief's guide to whist: "When in doubt take the trick; clubs not spades are trumps". The Mutiny had inspired the old Mogul party at Delhi with hopes of restoring the defunct empire, and the old Imperial Capital had become the political centre and rallying point of the Mutiny as a whole. The capture of Delhi would prove the death-blow to the Mutiny, and accordingly John Lawrence staked the whole military strength of the Punjab on this apparently desperate undertaking. Large levies were recruited from the martial tribes of the Punjab, Sikhs, Punjabi Muhammadans, and Frontier tribesmen. Conspicuous in this work was John Nicolson, a military civilian who reverted to military duty, and led a strong column to reinforce the army before Delhi, To his energy and devotion was due the success of the attack on the city in which he lost his life. The fall of Delhi left the ultimate issue no longer in doubt, and in the long weary hunt after the scattered forces of the mutineers—"a hunt compared at the time to bulldogs pursuing foxes—the Punjabi Irregulars, particularly light cavalry, were the hounds who usually ran down the fox".[3] In August, 1858, "two disarmed native regiments at Multan revolted, owing to misapprehensions of

[1] *Thorburn, P.P.W.*, 211-12, 214, 225; *P.A.R.*, 29.
[2] *Thorburn, P.P.W.*, 212-13; *Gazetteer*, 35.
[3] *Thorburn, P.P.W.*, 223-4.

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the intention of Government towards them. They were pursued and all of them either captured or killed. This was the last outburst of the mutinous spirit in the native army." The Hindustani regiments that were disbanded were sent to their homes; and four regiments of Punjab cavalry and seventeen of infantry, raised during the Mutiny, were transferred to the Bengal army to supply their place. "Rewards in the shape of grants of territory were made to the Sikh Chiefs of Patiala, Jind and Nabha for the services rendered during the preceding year; and a large estate in Oudh was conferred upon the Raja of Kapurthala." The recovery of Delhi having been mainly due to the unremitting exertions of John Lawrence and his brilliant subordinates, the Governor-General deemed it fitting that the Imperial City with the surrounding territory should be placed under the government of the man who had reclaimed it from the grasp of the rebels. Accordingly on February, 1858, the Delhi Territory lying on the right of the Jumna, together with the territory confiscated from the rebel Nawabs of Jhajjar and Bahadurgarh, was transferred from the North-Western Provinces to the Punjab. Though politically a part of the Punjab, this area, which corresponds to the present Ambala division, is, in language, religion, and racial characteristics, more nearly allied to Hindustan. At the commencement of 1859 the enlarged Province was placed under a separate Lieutenant-Governor. Sir John Lawrence was the first to hold the office.[1]

District Administration.

With its annexation to the Punjab the phantom of a Mogul emperor and his court vanished from Delhi; and his disappearance coincided with that of the East India Company, whose powers were transferred to the British Crown. This visible sign of the incorporation of India into the British Empire did not however affect the system of British government in India.[2] In the Punjab the next few years after the Mutiny were devoted to the restoration of order and to the gradual assimilation of the Punjab administration to that of the rest of India. In essentials this was a reproduction of the old Mogul system by which the executive and administrative functions of the central Government were delegated through a hierarchy of subordinate officials.[3] The Province

[1] *P.A.R.*, 30, 31. A list of the Lieutenant-Governors of the Punjab is given in Appendix V.

[2] *Lyall*, 276; *Holderness*, 163.

[3] p. 115.

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was divided into divisions under Commissioners,[1] each Division being divided into districts under Deputy Commissioners,[2] and each district into tahsils under Tahsildars.[3] But of these units the really vital one was the district, which was for most purposes a practically independent political unit, of which the Deputy Commissioner was the benevolent despot. The Province started on its career with a splendid set of administrators, half of them picked civilians from the North-Western Provinces, the others selected military men who preferred the pay and power of administrative work to routinism in a regiment.[4] And in those halycon days the work of a Deputy Commissioner was such as might have inspired the most cynical with enthusiasm. "Work for and among the people in the repression of crime; the promotion of education; the definition of the various interests in the soil; the settlement of the land-revenue assessments on an equitable basis; the close supervision of the great mass of Indian officials who formed the body of the organisation—the British officials being the head—all these offered wide opportunities for the varying capacities of the Punjab Commission."[5] As a result "every Deputy Commissioner of a district and every settlement officer, thought himself indispensable to his people, and buckled to his task with the enthusiasm of youth and high resolve", as if on him alone depended the evolution of order and prosperity out of the *debris* of past confusion and misery.[6] In the hands of these seeming despots were concentrated, in the belief of their subjects, all the powers of an earthly Providence. The vicissitudes of trade, the state of the currency, the administration of civil justice, the progress of public works, everything that materially affected the interests of those of whom they were the constituted guardians, were the subject of their anxious care and consideration; and while officious interference in matters beyond their immediate control was avoided, temperate and intelligent remonstrance against what they saw to be wrong was regarded as one of their most important duties.[7] In discharging these duties they were

[1] p. 156.
[2] A history of the Punjab districts is given in Appendix VI.
[3] *P.A.R.*, 24; *L.S.B.I.*, vol. II, 728.
[4] *Thorburn, P.P.W.*, 159; *Carthill*, 40-1.
[5] *O'Dwyer*, 28.
[6] *Thorburn, P.P.W.*, 162.
[7] *Thorburn, P.P.W.*, 164; *Barkley, C.*, 26-7.

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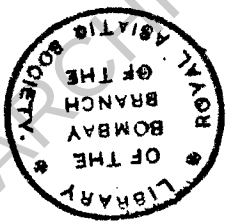

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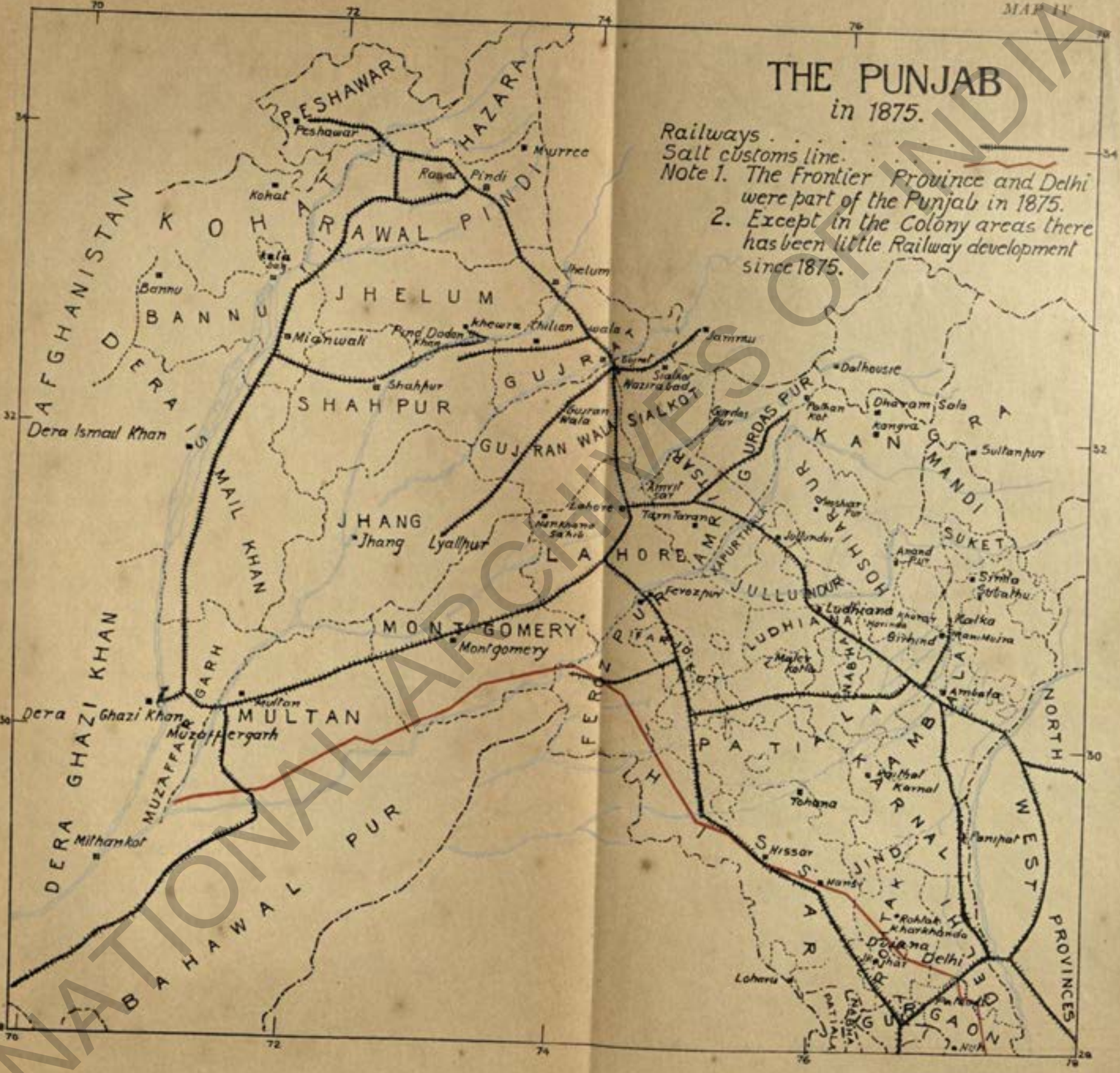

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guided more by common sense than by rules and regulations. John Nicholson, when Deputy Commissioner of the frontier district of Bannu, " was apt to discharge his public duties in the way that seemed best, not to his official superiors, but to himself. When an intimate friend of his found him sitting in his office with a bundle of Government regulations before him, ' This is the way I treat these things,' he remarked laughingly, and proceeded to kick them across the floor." Under his administration the Bannu district experienced a tranquillity which it never knew before or since, and which is still regretfully recalled by the inhabitants. His police investigations were thorough and determined, and a criminal had no chance of long escaping him. Nor had an incorrigible official any chance of ultimate impunity, for to stop corruption and do justice was his vocation. But he could suffer fools and knaves gladly when they were useful to him. " His saying used to be, ' Never remove a native official unless you know that you can replace him by a better one, otherwise you will get an equally stupid or corrupt man, *minus* the experience of his predecessor '. He warned repeatedly before he struck. He gave the worst offenders an opportunity of turning over a new leaf, and was generous in overlooking the past when a man set himself to recover his character. Malpractices in the courts disappeared before him, but it was seldom an official lost his place. He was often at the scenes of crime or dispute, realising the rights of cases, and hearing the people as well as the police. He was rapid in settling trials in his own court, and prompt in hearing appeals ; he used the lash freely to vagabonds and petty ruffians instead of loading the jails and hardening men in crime. The Tahsildars, the police, the whole executive machinery, was alive under his supervision; and each man felt that there was a master-hand upon the district. The people and the neighbouring mountain tribes all felt it too." In the picturesque language of a frontier tribesman, " The sound of his horse's hoofs was heard from the Attock to the Khaibar."[1] And Nicholson's ubiquity, his friendly sympathy with his people in their misfortunes, and his care for their best interests were characteristic of his fellow Deputy Commissioners.[2] In dealing with subordinates it was realised that excessive suspicion was as fatal as excessive confidence, and that the safest plan was to consult those best

[1] *Trotter*, 193-4, 216-17, 234-5. [2] *Barkley, C.*, 25.

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able to give advice and to weigh their expressed opinions impartially and dispassionately.[1] Of these subordinates the most important were the Extra Assistant Commissioners, members of the Provincial Service who (together with the Assistant Commissioners—members of the Indian Civil Service or covenanted military men of the same status) acted as assistants to the Deputy Commissioners. In dealing with them a Deputy Commissioner found it desirable to lay down general principles, leaving the detailed execution to them. Experience also tended to indicate the advisability of distributing their work by tahsils or other local divisions, rather than by subjects, thus enabling them to get into closer touch with the people whose affairs they administered.[2] But the real local executive officer was the Tahsildar who acted as the local court of first instance for petty civil, criminal and revenue work in his tahsil. His suitability for this work was thus emphasised by Government. "In the opinion of natives, the first and best qualification of a judge is not legal lore or logical acumen, but a knowledge of the position and insight into the character of the persons who come before him. This quality will be possessed by the Tahsildars, from their local knowledge, acquired in the course of fiscal business, to a greater degree than by any other class of officers. In this respect no other description of judges can at all approach them. Moreover, on their cases alone can local opinion be brought effectually to bear. The judge associates with the people, lives, moves, and has his being among them, not only by social intercourse but in the transaction of business, and this not of one kind but of many. He must therefore observe rustic society in its every phase. The same influences affect the parties as well as the judges. Every suitor and witness acts under the eye of his neighbour, in the presence of many of his acquaintances, who have constantly business to transact at the tahsil."[3]

The Police Department.

But, as time went on, the hands of Deputy Commissioners were gradually tied by rules and regulations compiled by the intellectual experts of the Imperial or Provincial Secretariat. Nor did the latter body confine itself to laying down general principles, it began to criticise

[1] *Barkley, C.*, 23.
[2] *Barkley, C.*, 10-13, 15; *P.A.R.*, 24.
[3] *P.A.R.* (1854).

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specific actions. The Deputy Commissioner's powers were still further limited by the growth of departmentalism, under which the officials of all but the revenue department were taught to look to their departmental heads rather than to the Deputy Commissioner in matters of policy. Of such separate departments the most important was the Police. For the maintenance of law and order a strong police force was from the first felt to be necessary. Under the Board of Administration, "a formidable police force was raised, aggregating 24,000 men, horse and foot, exclusive of 30,000 village watchmen, paid for by rates levied on all classes of residents in each village. Of the provincial police 13,000 were organised as a quasi-military body, one-third of them being stationed in battalions and troops in the frontier districts, two-thirds being distributed in small bodies amongst the Cis-Indus districts and employed to patrol roads, furnish guards for jails and treasure in transit, and the like. The remaining 11,000 were used as a purely civil constabulary for the detection and prevention of crime. By means of this newly recruited force —the personnel of which were mostly Sikhs and Muhammadans —and the hearty co-operation of the villages and towns, the Board was soon able to report, with pardonable exaggeration, to Lord Dalhousie, 'that all violent crimes have been repressed, all gangs of murderers and robbers have been broken up, and the ringleaders brought to justice. In no part of India is there now more perfect peace than in the territories lately annexed.'" In addition to the civil and military police there were separate cantonment, canal and thuggee[1] police. In 1861 these were brought under the general system, the force being meanwhile gradually but substantially reduced; though in 1869 a special Railway Police was started to prevent crime on railways.[2]

Communications.

For the carrying out of important public works some provincial co-ordinating authority was even more desirable than in the prevention of crime. The Mogul roads had degenerated under the Sikhs, and even the British had cared little for roads till the energetic Dalhousie took the matter in hand. Such roads as there were had been constructed for strategic rather than economic reasons. "The first roads of the British converged on Karnal, the frontier

[1] p. 103.

[2] *Thorburn, P.P.W.*, 164, 171; *P.A.R.*, 24, 26, 28, 79.

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post whence watch was kept on the Sikh States. The establishment of Ludhiana Cantonment in 1809 meant opening out the road via Ambala and Sirhind, which was subsequently extended to Ferozepur, the second cantonment guarding the Sutlej." The expedition against the Gurkhas in 1815 necessitated an extension of this road from Ambala to Bar, which preceded Kalka as the starting off point for Simla. A map of the protected Sikh States of about 1840 shows a second route from Hansi, through Jind, Patiala, and Mani Majra, to Bar, in addition to a direct route from Ludhiana through Morinda and Kharar to Mani Majra. After the second Sikh war the same policy was followed. Security was the first consideration, and a road was rushed through to the Khaibar pass. "Cantonments were established at Lahore, Wazirabad and Jhelum, strategic points, where the road crossed the great rivers; and at Rawalpindi, which was a convenient point to reinforce either Peshawar or the forces kept on the Hazara frontier;" while a string of outposts was established all along the border from Sind to Hazara. These were connected with one another and with their bases on the Indus by fairly good roads, the river bases being themselves connected by roads with cantonments in the rear. But the construction of the Grand Trunk Road from Calcutta to Peshawar was due to Dalhousie's initiative. More lavish in his expenditure on public works than any of his predecessors, Dalhousie was most lavish in his favourite province; and "the new work—wider, smoother, harder, straighter for longer distances, and better and more durably bridged than any Roman road—was the greatest undertaking of the kind heretofore attempted in Asia". The first Punjab Administration Report mentions that the Grand Trunk Road from Lahore to Peshawar, along which the army of the Punjab was massed, and on which the Most Noble the Governor-General had been pleased to bestow his special attention, had been traced, surveyed and put well in progress. "The control of all public works in the Punjab Proper, was originally vested in a Civil Engineer, a title which gave place to Chief Engineer in 1854, when his functions were expanded to embrace the control of all engineering works, whether civil or military, financed from Government funds." The Punjab was as fortunate in its first Chief Engineer as in its Chief Commissioner, and Colonel Napier's successful administration formed a model for the establishment of

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a Public Works Department in every province under the newly constituted Public Works Secretariat of the Government of India instituted by Dalhousie. As with the roads, so with railways, the original impetus to construction was given by Dalhousie, who had laid his plans for running lines all over India. "Had these schemes been initiated ten years earlier and carried out with the same vigour, Government, when the Mutiny came, would have been able to shift and transport troops in a way which might easily have crushed the great revolt before it had assumed formidable proportions. The Secretary of State's sanction came too late for that. By a curious irony, the railways in 1857 had not yet reached the stage of being actively serviceable, while the operations connected with them had gone far enough to arouse by their incomprehensibility the suspicions of the uneducated. But in a few years' time they were to bear ample fruit."[1] "The Punjab was fortunate in having a railway system which was for strategic reasons developed in advance of commercial and industrial requirements. The first railway line from Amritsar to Lahore was put under construction in 1856 and opened for traffic in 1861. Wood had to be used for fuel. The line from Lahore to Multan, which at that time was connected with Karachi by the boats of the old Indus Flotilla, was opened in 1865. Coal was introduced in 1872, in which year one goods train left Lahore daily for Ghazibad in the North-Western Provinces. Through communication with Calcutta and Bombay was established in 1863. Thereafter progress was steady, if not rapid."[2] But with the advent of railways, roads were neglected. In fact the perverted political economy of the period regarded through roads as even harmful inasmuch as they competed with a wealth-producing railway, only such advantages as had a money value being then recognised as wealth; a doctrine of which unwary motorists on the old road from Rohtak to Delhi were till recently abruptly reminded by a sudden descent into the chasm thoughtfully dug by the Railway Department to prevent traffic which might compete with its profits. Apart from the Grand Trunk Road, which was retained for military reasons, roads were constructed by district authorities for the purely local needs of each individual district, regardless of its neighbours, the metalled roads generally consisting of a group radiating from the district

[1] *Innes*, 293-4. [2] *P.A.R.*, 601.

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headquarters, the railway being the one means of communication with neighbouring districts as well as the outside world.[1]

Local Self-Government.

Road construction was one of the functions of the local authorities. With the decline in the vitality of the village community the most important instrument of rural government became the District Board, whose functions corresponded roughly with those of County Councils in England. Originally each district had a district committee which was merely a body advisory to the Deputy Commissioner, but in 1871 these committees were given administrative authority. In 1883, under the Liberal Lord Ripon, the elective principle was extended to District Boards, the elective franchise being confined to those land-owners who paid the local rate—a cess on the land revenue. In practice, however, the members of these so-called self-governing bodies seldom challenged the views of their Presidents, the Deputy Commissioners, who treated them much as Henry VIII treated his Parliaments; both, while strictly submissive in fact, being reckoned fully self-governing for the purposes of argument with an interfering superior, whether Pope or Commissioner. Subordinate to the District Board, Local Boards were also established in tahsils; but these latter were found superfluous and gradually abolished. Municipal government of some form or other had existed in the Punjab " ever since annexation. In its earliest stage committees of townsmen were formed to administer the surplus of the funds raised for the purpose of watch and ward. This system worked well, but it lacked the essentials of municipal government, the funds being vested in official trustees. A more regular form of municipal administration was introduced in Simla and Bhiwani in 1850, and in 1862 the headquarters of districts were formed into regular municipalities, with committees, mostly elected, invested with control over local affairs and power to regulate taxation. In 1864 there were forty-nine committees, of which twenty-eight had elected members. Hitherto the municipalities had been constituted under the executive authority of Government; but by 1866 increasing legalism had made such an authority suspect, and it was considered desirable to give a specifically legal sanction to municipalities in general and in particular to the octroi tax from which their funds were mainly derived, and which had

[1] *P.A.R.*, 285.

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been introduced, or rather reimposed, by Sir John Lawrence in 1853 'in all towns and large villages in lieu of a house tax with the full preference of the inhabitants'. The first Municipal Act for the Punjab was accordingly passed in 1867, and in 1873 a new enactment made election permissive. Under it 190 committees were constituted, eight of these (Simla, Dharmsala, Dalhousie, Murree, Delhi, Lahore, Amritsar and Multan) being of the first class and directly controlled by the Local Government, the remainder being under Commissioners or Deputy Commissioners. The Local Bodies Loans Act of 1879 empowered the Local Government to make loans to approved municipalities for improvements; and in 1884 a new Municipal Act was passed, with the object of restoring the elective principle and widening the sphere of municipal activity. Two classes of committees were recognised, the first having greater latitude to incur expenditure on public works than the second. The act of 1867 had, however, been too widely applied, and between 1885 and 1887 no less than forty-one committees were abolished."[1]

Education.

The disadvantages of rapid departmentalisation were exemplified in the case of education. Before the arrival of the British, education had been left to the religious authorities, and had been mainly on religious lines.[2] After annexation the Christian Missions established several schools, and their example was soon followed by Government, which founded schools in the cities and larger towns, while Deputy Commissioners founded and maintained schools at smaller centres out of local funds. In 1854 the Education Department was first organised under a Director of Public Instruction, subordinate to whom was a hierarchy of two Inspectors, ten Deputy and sixty Sub-deputy-inspectors (*sic*) for the inspection of 108 schools directly supported by Government. The language question presented some difficulties. The vernaculars of the Province were all derived from that language of the early Aryans of which Sanskrit was the literary form. Of these Punjabi, the language of the Central Punjab and of the Sikh scriptures, written in the Sanskritic script known as Gurmukhi, was nevertheless hardly sufficiently standardised to form a good educational medium, differing as it did considerably from the Western Punjabi of the west and the Pahari of the hills. But Hindustani, the

[1] *P.A.R.*, 159, 162. [2] p. 179.

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language of the North-Western Provinces and of the Delhi Territory annexed to the Punjab after the Mutiny, had acquired a literary form under the Moguls by the addition of many Arabic and Persian words. Written in the Arabic script it became the language of the Mogul camps and the *lingua franca*[1] of Northern India. In spite of its strangeness to the majority of the population, it was thenceforth adopted as the medium of vernacular education in the Punjab, though Hindi[2] and Gurmukhi schools were encouraged wherever the people desired them. Village schools, mainly attended by the sons of money-lenders, who alone could profit from the type of education provided, were maintained by a special cess of 1 per cent on the land revenue, thus compelling the peasant to pay for his own more effectual enslavement.[3] "Difficulties in administration soon arose. All the schools were under the direct control of the department, and Deputy Commissioners were dissociated from their working. The lower grades of officials were foreigners, imported from Hindustan and without influence over the people. To obviate these difficulties, in 1860 all the vernacular schools were entrusted to the Deputy Commissioners and Tahsildars, the unpopular inspection agency being abolished. But this measure failed to provide for the professional supervision of the schools, and it was soon found necessary to appoint an inspector in each district as the Deputy Commissioner's executive agent and adviser in their management. In the same year provision was made for the levy of school fees. Superior Anglo-Vernacular district schools were also established, and the personnel and curriculum in all schools improved. In 1864 Government Colleges were established at Lahore and Delhi, and in 1865 a scheme for an Oriental University was formulated."[4] Up to this time the Calcutta University had dominated the higher secondary education of the Punjab, but in 1870 the "Punjab University College" was inaugurated. A governing body, called the "Senate", was appointed, and statutes were framed in which the special objects of the University College were declared to be "(1) to promote the diffusion of European science, as far as

[1] Just as the Low Latin of the Roman armies became the *lingua franca* of the Western Roman Empire.

[2] The Sanskritic form of Hindustani.

[3] *Thorburn, P.P.W.*, 182; *P.A.R.*, 401.

[4] *P.A.R.*, 402.

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possible, through the medium of the Vernacular languages of the Punjab, and the improvement and extension of Vernacular literature generally; (2) to afford encouragement to the enlightened study of Eastern classical languages and literature; (3) to associate the learned and influential classes with Government in the promotion and supervision of popular education. To carry out this policy the University College established an Oriental School and College at Lahore; endowed lectureships, literary fellowships, and scholarships; and held public examinations in the various subjects of study which it was desired to encourage."[1] In 1882 this body was incorporated as a University and received the power of conferring degrees in Oriental Learning and Arts, to which were added Medicine in 1886 and Law and Science in 1891.[2] The effective organisation of secondary education dates from 1860. As education spread, it became easier to obtain men capable of teaching up to the standard for entrance to the University, and it was thus found possible to increase the number of high schools at comparatively small cost. The vernacular middle school progressed even more markedly. Recruited to some extent from the manly agriculturist classes, to whom they imparted enough knowledge to stimulate the intellect without exhausting it, these schools produced a type of which the Education Department might have well been proud, had it not served to show up the defects of the other types of education provided.[3]

Primary Education.

But while the provision of higher education was (on paper at any rate) more than sufficient, the essential needs of the peasant classes were ignored in a system of primary education which was at once inadequate and unsuited to their needs. The original attempt to raise the indigenous schools to a higher level of efficiency was abandoned, and the most important were converted into Government schools or branches of Mission schools or were brought under the influence of local bodies. But the "educational cess realised so little that salaries sufficient to attract competent teachers could not be offered. It was accordingly resolved to reduce a number of schools in order to raise the efficiency of the remainder. The result was that schools were accessible only to a small proportion of the boys of school-going age." It was therefore decided to improve the indigenous schools "without destroying their distinctive character, by the offer

[1] *P.A.R.*, 412. [2] *P.A.R.*, 413. [3] *Gazetteer*, 138.

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of liberal grants-in-aid on easy conditions. The system was accordingly reorganised, the management of the schools being transferred to local bodies, which were, on their part, required to devote a fixed proportion of their income to primary education. Revised grant-in-aid rules provided for payment by results and staff grants to certified teachers employed in aided schools." Schools and scholars increased in numbers and efficiency, and the imposition in 1886 of higher fees on the sons of non-agriculturists was the first recognition of the necessity of encouraging the education of the peasantry.[1] This was particularly emphasised in the case of Muhammadans to whose educational backwardness attention was first directed in 1871. Enquiry showed that this backwardness was partly incidental to the fact that Muhammadans were pre-eminently agriculturists, and partly due to their preferring Arabic and Persian to the more utilitarian subjects selected by the wily Hindu.[2] In truth the loud insistent demand for English education proceeded from the limited class of shop-keeping and money-lending Hindus, of the self-styled higher castes,[3] who saw that by its acquisition they could regain that control of the country which had been wrested from them by the sword of Islam. His famous statue on the Lahore Mall represents John Lawrence as holding in one hand a goose quill and in the other a sword. Underneath is (or rather was) subscribed the question, " Will you rather be ruled by the pen or the sword ? " To this interrogatory, apparently addressed to the people of the Punjab, no answer was given. But the answer could be in no doubt. All the martial population of agriculturists, Hindus, Muhammadans, and Sikhs, all the lower classes, urban and rural, would have answered unhesitatingly, " By the sword of a strong Government which is not afraid to do justice without respect of persons ". Only the Hindu aristocracy of Brahmins, lawyers, shop-keepers and money-lenders, would have demanded that rule of the pen by whose aid they could keep this martial population in subjection.[4]

Finance.

But all these improvements cost money, and in early days the British inherited from their predecessors the land revenue as the main source of income.

[1] *P.A.R.*, 428-89. [2] *P.A.R.*, 451.

[3] Brahmins, Khatris, Aroras, Banias, etc. (see p. 316).

[4] *P.A.R.*, 397.

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The terms Financial Commissioner and Revenue Officer, which now denote officials whose main duty is land administration, still recall the time when revenue connoted land-revenue, and finance land-administration. Over this provincial finance a detailed control was exercised by the Government of India. "The commercial principles which underlay the East India Company's rule sufficiently explain the original decision that the central Government should keep full control of all revenues in their own hands, and though a complete re-organisation of the finance of the country followed soon after the transfer of India to the Crown no innovation in this respect was for some time attempted. Provincial Governments had in other respects extensive powers, but they could incur no actual expenditure without the formal orders of the Government of India. As Sir Richard Strachey (who was the real author of the changes that followed) wrote at the time 'the distribution of the public income degenerated into something like a scramble, in which the most violent had the advantage, with very little attention to reason. As local economy brought no local advantage, the stimulus to avoid waste was reduced to a minimum, and as no local growth of the income led to local means of improvement, the interest in developing the public revenue was also brought down to the lowest level.' Lord Mayo's Government has the credit of the first attempt to make the provincial Governments responsible for the management of their own local finances. Each provincial Government was given a fixed grant for the upkeep of definite services, such as police, jails, education, and the medical services, with power, subject to certain conditions, to allocate it as seemed best, and also to provide for additional expenditure by the exercise of economy and if necessary by raising local taxes. All the residuary revenues the Government of India retained for its own needs. Experience of this initial step not only justified a further advance, but also pointed the direction which it should take. What was clearly wanted was to give local Governments an effective inducement to develop the revenues collected in their territories, to encourage economy, and to ensure that all parts of the administration received a due share of the growing revenues to meet growing needs. It was recognised also that less interference by the Government of India in the details of provincial administration was desirable. The final effect of the important changes made in

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Lord Lytton's time was to delegate to local Governments the control of the expenditure upon all ordinary provincial services, and, in place of the fixed grants previously given, to hand over to them the whole or part of specified heads of revenue wherewith to meet such charges. The heads of revenue made over in whole, or in part, to provincial Governments were those which were thought to offer most prospect of development under careful provincial management—forests, excise, licence-tax (now income-tax), stamps, registration, provincial rates, law and justice, public works, and education. But the difficulty of exactly adjusting means to needs remained; and as the revenue from the transferred heads was not ordinarily sufficient for provincial requirements, it was supplemented by a percentage of the important head of land revenue, which otherwise remained an all-India receipt." Settlements on these lines were made with the provinces for five years in 1882, and were revised in 1887, 1892 and 1897, not without controversy and some provincial discontent. The Punjab, for example, throughout its financial history bore traces of the makeshift character of its origin. A non-Regulation province, the appendage of an appendage of the Bengal Presidency, it was from the first given only sufficient to carry on. The older provinces were firmly entrenched in rights from which it was difficult to displace them; the wealthy province of Bengal, in particular, which under the permanent settlement was particularly lightly taxed, received nevertheless a disproportionately large share of the loaves and fishes at the disposal of a Government of India whose headquarters were at Calcutta; and the provincial policy followed with regard to buildings and roads in the Punjab was largely due to the lack of sufficient funds for development. At these financial revisions no changes of principle were introduced. But the growing needs of the provinces were met by treating land revenue as one of the sources of income divided between the central and the provincial Governments, and further by supplementing the provincial revenues by means of fixed cash assignments (frequently referred to as "doles") adjusted under the same head.[1] Taxation was then levied almost entirely on the rural population. Practically the whole Punjab revenue, from the largest head—land revenue—to the smallest—stamps, was drawn from the producing masses, whilst the literate and

[1] *P.A.R.*, 115-16.

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commercial classes, who under British rule benefited at the expense of those masses, escaped taxation almost entirely.[1]

Salt Revenue.

The British salt duty is the sole survivor of a mass of similar taxes levied on every branch of industry under the Moguls and Sikhs.[2] "Upon annexation the management of the Cis-Indus and Kalabagh mines was at once taken over by the British Government. An excise duty of Rs. 2 a maund was levied at the mines, in lieu of all charges to which salt was subject. On payment of this duty the salt was allowed to pass free throughout the British dominions, subject only to the additional duty of eight annas a maund, levied on all salt crossing the branch customs line established for the protection of the Bengal revenue. This customs line may still be traced in the Gurgaon district by the broad cactus hedge which forms an impenetrable barrier where it still exists. The duty imposed was considerably higher than the prices charged by the farmers for salt under the Sikh Government, but as against this all articles except salt and liquor were exempted from excise, customs and transit duties. The Imperial customs line was at the same time extended along the Sutlej to the Indus at Mithankot, and a preventive line was established on the Indus to exclude Kohat salt from the Cis-Indus portion of the Province. The manufacture of alimentary earth-salt in the Cis-Indus Punjab was also prohibited. The adoption of the principle of a fixed duty on the production of salt, levied at the source, foreshadowed the policy now in force. Salt crossing this customs line from Rajputana into the Cis-Indus Punjab was liable to a duty of Rs. 2 a maund. From 1849 to 1869 the salt mines and quarries in the Cis-Indus Punjab and at Kalabagh were under the management of the Provincial Government; but in 1869 the Government of India assumed the direct control of the Inland Customs department, and the administration of the salt revenue in the Punjab was at the same time made over to the Imperial Department. In 1878 the customs line was abolished but the preventive line at the Indus was still retained, only being withdrawn in 1896. Upon the abolition of the customs line, the Punjab system of levying duty at the mines was extended to the Rajputana salt sources, but the change of policy had no material effect upon the salt supply of the Punjab. Cis-Indus rock-salt continued to be the main source

[1] *Thorburn, P.P.W.*, 175-6. [2] pp. 137, 178.

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of supply for the trans-Sutlej Districts, and with the extension of the railway to Khewra in 1882 the demand for this salt grew rapidly. By the annexation to the Punjab of the Delhi territory after the Mutiny, two additional sources—the Nuh and Sultanpur salt-works in the Gurgaon District—were brought within the Province. The greater part, however, of the salt produced at these works was consumed in the North-Western Provinces. But with the abolition of the customs line they came into competition with the superior salt from the Salt Range, which had to pay only the same rate of duty. Consequently by 1883-84 the salt from the Nuh works, which were not on the railway, had become unsaleable, and the works were closed."[1]

2. British Land Administration

The Circulars and Instructions issued by their superiors to Settlement and Revenue Officers, their Reports and decisions on disputed points, constitute a whole literature of very great extent and variety and of the utmost value and instructiveness. I am afraid I must add that the English reader, whose attention is not called to it by official duty, not unusually finds it very unattractive or even repulsive. But the reason I believe to be that the elementary knowledge which is the key to it has for the most part never been reduced to writing at all.

Maine, 33-4.

Determination of proprietary rights in land.

Prior to British rule the English conception of property in land as a transferable marketable commodity, absolutely owned and passing from hand to hand like any chattel, did not exist. The right of cultivating particular portions of the earth was a privilege (often a doubtful privilege) rather than a property—a privilege first of the whole people, then of a particular tribe or a particular village community, and finally of particular individuals of the community. In this last stage land was partitioned off to those individuals as a matter of convenience but not as unconditional property. It remained subject to the claims of the State or to individuals deriving their claims from the State, and to reversionary interests of the community, which prevented its uncontrolled alienation and attached to it certain rights and burdens.[2] But the British not only introduced the conception of property in land but

[1] *P.A.R.*, 169-71. [2] *L.S.B.I.*, vol. I, 219-24; pp. 70-2.

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also by their limitation of the Government revenue demand, gave to the conception a reality, though they attached to the right the duty of paying the land revenue, a burden which had previously fallen in the first instance on the actual cultivator.[1] Thus the State which had previously appropriated practically the whole net income from agriculture now only took a proportion of that net income; so that, under the British, land revenue may be best defined as a tax on the economic rent of agricultural land, in so far as the terms of Western political economy can be applied to a conception entirely foreign to it.[2] It became necessary, therefore, to decide who were in possession of such permanent rights in the soil as might be denominated proprietary. In Bengal these rights had been conferred on the Mogul revenue farmers;[3] in the North-Western Provinces weight had been given to the claims of the actual cultivators, where of old standing.[4] In the latter province "the experiment of leaving such matters to the arbitrament of the civil courts was tried and failed. These courts had not the knowledge requisite for the disentanglement of a confused web of rights in the soil which were often ill-defined and apparently contradictory, and they could derive small assistance from codes of Hindu and Muhammadan law or from the legislation of the British Government. Moreover, they could only deal with cases as they arose, and what was wanted was a determination, once and for all, of the rights existing in eve y field in every village in the country." The task was therefore entrusted to the Settlement Officers engaged in the assessment of land revenue, the lack of uniformity due to individual idiosyncracies being modified by the declaration that the Settlement Officers' proceedings "shall be founded on the basis of actual possession, and by allowing a man who was dissatisfied with his decision, or who claimed a right of which he was admittedly not in possession to bring a suit in a civil court".[5] In the Punjab the powers of Settlement Officers were still further enhanced shortly after annexation. Civil Courts were forbidden to entertain any claims for land till a regular settlement had been effected, and even the district revenue courts, where revenue cases were tried by executive officers, were directed to confine their attention to

[1] *S.M.*, 98-100; *L.S.B.I.*, vol. I, 216.
[2] *L.S.B.I.*, vol. I, 240; *Jenks*, 101-2.
[3] pp. 150-1. [4] p. 157. [5] *S.M.*, 102.

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the question of possession and leave to the Settlement Officers the decision of disputed rights. Shortly after this the provision which allowed a disappointed claimant to contest the finding of a Settlement Officer in a Civil Court was set aside, and the decision of the Settlement Officers was made final, subject to an appeal to the higher revenue authorities only, Settlement Officers being at the same time invested with the full powers of Civil Courts as regards land suits.[1] It soon became apparent that Punjab land tenures were sometimes very complex, and that proprietary rights were often not enjoyed as a whole by a single individual or by a village community in common, but were split up among two or more individuals possessing titles, none of which could properly be regarded as full ownership. Three classes were, however, early recognised, superior proprietors, inferior proprietors,[2] and occupancy[3] tenants.[4]

Joint responsibility of the village community.

In the Punjab the joint village community[5] had retained much of its pristine vigour;[6] and its importance as an instrument of revenue administration had been recognised in the North-Western Provinces.[7] In the Punjab joint responsibility for the payment of land revenue became a prominent feature of village tenure under the British, though it occupied a far more prominent position in theory than in practice. So great was the early predilection in favour of the village community that even the scattered hamlets of the submontane ravines and the still more scattered wells of the south-western desert were grouped in artificial villages, which were made jointly responsible for the payment of the land-revenue.[8] To represent the village community in its dealings with Government officials a few of the leading members of the old committee of elders[9] were selected as hereditary village headmen,[10] their most important revenue function being to collect the revenue from the village proprietors and pay it into the treasury. The committee of elders, ignored in administrative matters by the revenue authorities, and in social matters by the Civil Courts, lost its influence and practically ceased

[1] *S.M.*, 104-6; App. IV.
[2] p. 157. [3] p. 163. [4] *S.M.*, 103.
[5] pp. 23-4. [6] pp. 173-5, 183. [7] p. 162.
[8] pp. 17, 100-1, 186, 198-9; *L.S.B.I.*, vol. II, 609-10, 616, 624.
[9] *panchayat*; see pp. 23, n. 3, 24. [10] *lambardars*; see p. 158, n. 1.

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to exist. The administration of the village fund[1] out of which the common expenses of the village brotherhood were met, was gradually usurped by the headmen, though each member of the proprietary body had a theoretical right to demand an account of its expenditure.[2] The hereditary village artisans and menials, who performed offices considered unsuitable or degrading by the landowners, still received the customary allowances of grain at harvests[3] for the duties performed by them. Fees were sometimes realised by the landowners from other village residents ; such fees being paid either periodically or on special occasions such as marriages. But generally the tendency of the British administration and especially of the British legal system was to loosen the communal tie and to weaken the authority exercised by the proprietary body over its individual members and over the other inhabitants of the village.[4] The houses of members of the brotherhood and of their dependents were usually built closer together in some convenient part of the village, those of the village menials being usually on the outskirts, and those occupied by men of impure castes being sometimes on a site at a little distance from the main village. None of this inhabited site[5] was assessed to land-revenue, though rates might be levied on it for village administrative purposes such as watch and ward.[6] Much of the land of the village was definitely allotted to individual owners, but the village waste remained common[7] to all the shareholders. Apart from this there were common rights over the other village inhabitants and common responsibility for the payment of land-revenue. It was therefore important to determine the rule by which such rights and liabilities were measured. In some cases the land had already been divided in accordance with the relationship which the owners bore to a common ancestor, who might have founded the village himself. In other cases the actual founders might be descended from a common ancestor and have divided the land in accordance with ancestral shares at the time of foundation ; or again the original founders might have divided the property on a scheme of shares based on each

[1] *malba*. [2] *S.M.*, 129. [3] p. 20.
[4] *S.M.*, 130. [5] *abadi*. [6] *S.M.*, 131.
[7] cf. the commons that still survive in some English villages, in which the villagers or specific members of them have common rights of pasturage, etc.

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man's ability to bring land under cultivation, though the subsequent descent of property had been in accordance with the ordinary rules of inheritance. In such cases the Settlement Officer would presume that rights and liabilities were measured by ancestral shares.[1] "If existing rights were found to be irreconcilable with the theory of proportional inheritance, the rights in the waste might be held to be in the ratio of the extent of existing rights of ownership in the cultivated land, or perhaps in the ratio of the revenue payable by each member of the village." In many cases this original simplicity was complicated by the fact that original owners had sold or gifted portions of their original holdings. "In some cases such gifts and sales were understood to include the dependent share in the undivided lands, in others not. In cases where a share in the waste followed the transfer of separated lands the effect was merely to introduce an outsider into the group of owners and to modify the shares in the joint property. In the reverse case the outsider became an owner of a specific plot of land only, whilst the original group of owners continued to have all the rights in the waste."[2] A still further complication was due to the fact that the British Settlement Officers applied to the Punjab a village classification borrowed from the North-Western Provinces and only partially applicable to Punjab conditions.[3]

Principles followed in determining proprietary rights.

The task before the early Settlement Officers was no easy one. A heavy presumption was made in favour of the proprietorship of the man who had held land and paid the land-revenue thereon for twelve years previous to the first Settlement. Both ancient rights and present possession were carefully investigated. Every claim, whether admitted or not, was at least considered, and though ancient rights that had long been held in abeyance were sometimes extinguished, claims were never rejected on purely technical grounds.[4] Such ancient rights were claimed by the descendants of persons who had once exercised political sway or enjoyed a lordship over the soil, from which they had been ousted during the dominion of the Sikhs, though they managed to collect a small proprietary fee at harvest from the persons in actual possession of the land. Other such claimants

[1] *S.M.*, 133. [2] *P.A.R.*, 214-15.
[3] *P.A.R.*, 216-18; *S.M.*, 135-41; *L.S.B.I.*, vol. II, 619-22.
[4] *S.M.*, 117.

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were revenue farmers or revenue assignees[1] who had enjoyed under the Sikhs large rights of management. In Bengal officials of this type had been granted proprietary rights, but the reaction against that policy was now complete.[2] "As a rule the cultivators were held to be the owners of the village lands, and were made responsible for the revenue; but in many cases, especially in the south and west of the Province, intermediaries were found who were held to have superior claims to the proprietary rights."[3] Generally speaking the tendency was to allow those who claimed overlordship rights a moderate percentage on the revenue, and to give the actual proprietorship to the inferior owners, and allow them the actual management of the land. "The latter were looked upon as the valuable element in the community, the former as an interesting survival of a state of society which had passed away and should not be revived." Still less consideration was given to the claims of those headmen who were becoming virtual proprietors in some parts of the country, and the 5 per cent on the land revenue which they were allowed to retain was small compensation for the privileges which they were forced to relinquish.[4] The Mutiny, which was partly fomented by the discontent of the great landlords of Oudh against an annexation which they feared might diminish their powers, produced some reaction in Punjab official opinion in favour of the rights of superior landlords. But it was then too late to disturb, to any substantial extent, the settlement of titles that had been made.[5]

Rights of Government in waste lands.

The Punjab was still to a large extent a pastoral province and the question of proprietary rights in the large areas of grazing land in the hills, in the south-west and on the inter-riverain uplands, early engaged the attention of Settlement Officers. While waiving their claim to the ownership of the land in general, the British had definitely retained the old royal rights to the waste.[6] But at the time of the annexation of the Punjab, *laissez-faire* theories prevailed and "the tendency of the British administration was to withdraw from all interference with the management of the

[1] *jagirdar*.

[2] *S.M.*, 144-5; *L.S.B.I.*, vol. II, 689; also Chap. II, Secs. 1 and 2.

[3] *P.A.R.*, 24.

[4] *S.M.*, 117; *L.S.B.I.*, vol. I, 309-10.

[5] *S.M.*, 118.

[6] p. 145.

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waste, where any community could assert any reasonable proprietary claim with reference to it and was likely ever to be able to bring it under cultivation", and thus in some cases to transmute what were nothing more than rights of user into rights of ownership.[1] This particularly applied to the eastern Punjab, where the villages lay close together and which was annexed before the advantages of keeping a part of the soil of the country in its natural state were fully understood. Where the village system was strong, the limits within which the cattle of each community grazed were known, though disputes often occurred ending in riot and bloodshed. To prevent these disorders the village boundaries were defined exactly, all unoccupied waste included within the boundary of each community becoming the common property of the owners. "Even areas to which no private title could be established, such as the lands of deserted villages, were often restored to the former occupants where they could be traced." "In Karnal, where Government did take possession of excess waste, and in Sirsa, where much unoccupied land was at its disposal, the sole object of the administrators of the day was to get rid of the land as fast as possible by handing it over to any one who would bring it rapidly under cultivation." But in 1813 a large tract of land near Hissar, deserted thirty years before in the terrible famine of 1783[2], was appropriated to Government and eventually became the site of a large Government Cattle Farm. Even the low hills south of Delhi were included in village boundaries, and remained desolate and barren, though under Government supervision they might easily have been clothed with forests of the valuable dhak[3] tree, which coppices freely, furnishes excellent firewood, and exudes a valuable gum, while its timber is used for the wooden frames on which the masonry cylinders of wells are reared, its lovely orange-red flowers yield a beautiful dye, and its dry leaves form useful fodder for buffaloes in times of scarcity.[4] Thus few fuel or fodder reserves were left in the eastern Punjab, and in the rest of the Province the same policy was followed though less completely.[5] In some cases, where the rights of superior owners to land under cultivation were overruled, they were still allowed to retain ownership of

[1] *S.M.*, 185; *Maine*, 120-22; *L.S.B.I.*, vol. I., 237.
[2] p. 171.
[3] *Butea frondosa.*
[4] *Douie*, 78.
[5] *S.M.*, 186; *L.A.M.*, 726.

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the extensive waste, a right which was to become very valuable subsequently in areas to which irrigation was extended.[1] Occasionally the British Government followed the example of its predecessors in planting new settlements in the areas of villages which had more waste than they could manage or bring under cultivation within a reasonable period ;[2] and this policy was even more extensively followed in the case of Government lands which were granted in lease " on easy terms, on the understanding that, on fulfilment of the terms of the lease as regards the bringing of land under cultivation, ownership would be conceded free, or practically free, of charge ".[3] In the Kangra hills, where the historic claim of the State to the waste was much stronger than in the plains,[4] and where the village communities were only artificial creations of the British Settlement Officer, valuable forests were nevertheless divided up amongst them, the State merely retaining its rights over certain valuable kinds of tree. But by the time the question arose in the western Punjab experience had shown the impolicy of these wholesale renunciations, and after allowing each village an ample, sometimes indeed an excessively large, area of grazing land, the remainder was claimed as Government waste. These areas were in some cases utilised as fuel reserves under the Forest Department, but their main value to Government arose on the introduction of canal irrigation, Government being thereby saved the difficulties arising from the compensation due to previous owners.[5] Special steps were taken to record the inherent[6] rights of Government in minerals (and in particular mineral oil), and in the limestone[7] beds so useful for road-building materials in the stoneless plains. Government forbore, however, to claim any proprietary right in saltpetre, only reserving the right of regulating or preventing the manufacture of gunpowder therefrom.[8] In the pastoral areas owned by the State the old grazing fee of previous rulers[9] was maintained by the British. In theory this was a rent paid for pasturage, in practice it was partly that and partly an assessment levied on the profits derived from the rearing of cattle. The original attempt to realise this through village headmen led to much official corruption,

[1] *S.M.*, 147. [2] *S.M.*, 187. [3] *P.A.R.*, 224.
[4] p. 198. [5] *S.M.*, 189 ; *L.A.M.*, 726, 755-65.
[6] p. 145. [7] *kankar*.
[8] *S.M.*, 191-3. [9] *tirni*, see p. 187, n. 2.

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and in 1870 the system was tried of dividing the Government waste into blocks each of which was leased annually to a farmer, most of the leases being in the first instance granted to leading members of the landowning tribes. With the substitution of quinquennial for annual leases the opportunities for extortion and corruption on the part of underlings were greatly diminished. In the western desert between the Indus and the Jhelum, where the local nomads were still annually reinforced by the winter immigrations of Pathan traders from Afghanistan,[1] the grazing tax was perforce a poll-tax on cattle (including camels) leased out to farmers who collected from graziers at rates fixed by Government.[2]

Forest Administration.

Much of the hill area in which Government had thus acquired rights was clothed with valuable forests. The higher slopes of the Pir Panjal[3] were covered with timber forests of oak, pine, cedar and fir. In the submontane region below were to be found a coarse pine,[4] and in the more favoured parts deciduous trees; while the whole area was covered with a thick undergrowth of scrub and wild olive, wherever these had not been removed by the devastating hand of pastoral man.[5] On the annexation of the Sikh kingdom the curious dislike felt by the early administrators of Northern India to State property in the soil and their short-sighted indifference to forest conservancy were already giving way to sounder views; and the Board of Administration deplored the fact that the country was bare of trees, timber unprocurable, and even firewood scarce and only to be obtained from the central wastes. In this, as in other matters, Dalhousie supplied the initiative. In accordance with his instructions the Board made arrangements for the preservation and economising of the tracts of forest and brushwood already existing. They also commenced planting fuel copses near cantonments, and groves round all public buildings and at intervals along the main lines of roads. Canal banks were also lined with avenues of trees. Privileges were offered to landholders who might plant timber, and all coppice lands were exempted from taxation. Somewhat vague instructions seem to have been issued to the local authorities in the northern districts, who were made responsible

[1] Powindas, see p. 7. [2] *L.A.M.*, 769-75. [3] p. 5.
[4] *chir* (*pinus longifolia*). [5] *L.A.M.*, 704-06.

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for the preservation of timber " on the hill sides ". An officer was appointed to " examine " certain forest tracts, and a timber-agent to the British Government was appointed in Kashmir. The writer of the Administration Report of 1851 noted that " wood is indeed incidental to the Punjab, but the hilly regions, which overhang it, abound in prolific forest, which can supply the finest beams for architectural purposes ; and its central plains are overgrown with brushwood, which, if economised, can furnish fuel for the whole population ". The Board trusted that if due arrangements were carried out for the cheap felling and transit of the one, and for the preservation of the other, the country would not feel the want of either timber or firewood. The possibility of the exploitation of the forests as a source of State revenue was not then considered.[1] In 1855 John Lawrence, as Chief Commissioner, authorised Deputy Commissioners to mark off areas specially adapted for the growth of timber or fuel, from which the owners would only be allowed to take their essential requirements for agricultural or domestic purposes ; and in the hill areas north of Rawalpindi the mistake made in Kangra was not repeated, and all waste lands were definitely declared to be the property of Government.[2] The orders of John Lawrence were subscribed with the proud endorsement, " No person shall be entitled to object to the foregoing rules ; " but by 1865 the Roman spirit of that great proconsul had been succeeded by an uneasy anxiety for the fulfilment of each jot and tittle of the law. It was to satisfy such scruples that the first Government Forests Act was passed, the intention being to put these rules and executive orders on the legal basis which was considered necessary by the developed legal conscience of the period. But its provisions smelt too much of the legal lamp, and too little of the pine-scented breezes of the Himalayas. " It drew no distinction between the forests which required to be closely reserved, even at the cost of more or less interference with private rights, and those which merely needed general control to prevent improvident working. It also provided no machinery for enquiring into and settling the rights which it so vaguely saved, and gave no procedure for regulating the exercise of such rights without appropriating them."

[1] *L.A.M.*, 708 foll. ; *P.A.R.*, 571. [2] *L.A.M.*, 710-14, 716.

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It was not until 1878 that a workable Forest Act was produced, and then it was by that Punjab civilian, Baden-Powell, to whom the land administration of British India owes so much.[1] Forests were broadly divided into two classes, "reserved" and "protected". In the Punjab, "reserved" forests included the great Himalayan tracts whence the supply of the more valuable timbers was obtained. For the most part (though not always) essentially forest tracts and encumbered by very limited rights of user, and constituting valuable properties of, and sources of revenue to, the State, their management on mainly commercial lines was indicated. Another class of reserved forests arose from the rapid denudation of the slopes of the Siwaliks, a denudation which was only the continuation in modern times of the process which had in the past transformed the Sulaiman and Salt Ranges from fertile slopes to barren wastes.[2] Under the Sikhs the Siwaliks had been covered with a low stunted brushwood and scattered trees. This forest growth yielded a sort of cover for game "and as the towns were not then very wealthy, and the peasantry had hard enough work to produce the heavy revenue then demanded, there was little demand for fuel," and few persons had leisure for woodcutting. The forest growth, stunted though it was, nevertheless covered the sandy soil by its roots and by the grass which grew in its shade. "The cool air from the shaded hillside arrested the passing clouds and produced a constant and almost regular rainfall, which, checked by the leaves of the brushwood and grass, poured down the hillsides at a gentle pace, and, bringing with it all the soluble products of the decayed leaves and grass, spread its wealth-laden waters over the plains below, which thus became so renowned for their fertility as to be known as the garden of the Punjab." But when the hillsides were divided among the villages located on the hills, all this brushwood became common property open to everyone. "With the introduction of British rule, towns increased, wealth and property abounded, and the cessation of the continual demand for forced labour created a class of labourers with abundant leisure, and in search of employment. With the increasing wealth arose an increased wish for comfort,

"Reserved" and "Protected" Forests.

[1] *L.A.M.*, 721.

[2] *India's Forest Wealth*, by E. A. Smythies (Oxford University Press, 1925); also pp. 4, 11.

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a large demand for firewood of all sorts consequently soon sprung up, and the hillsides were in a few years stripped of everything that could by any possibility be used for that purpose. Where the distance from the towns was too great, the still more destructive charcoal burner appeared on the scene, and consumed three times the amount needed to render his firewood portable. It might be supposed that the new proprietors would have taken some steps to protect their quasi-forests, but the sense of proprietorship was new, and they were in doubts as to how far they were entitled to interfere. Nor could they be expected to consider the future loss to their children, still less to care for the villages below the hills, which were slowly being ruined." As the bare hillsides replaced the green forests, the heated air of the dry sandy soil drove off the rain clouds which passed on to the upper ranges. When owing to the increasing pressure of the clouds, rain at last fell, the condensation produced by its fall on the heated soil produced a great downward rush of the heavily laden upper air, and the rain then came down in torrents. No longer arrested by leaves and brushwood and grass the increasing torrent poured rapidly down the sandy slopes, bearing with it thousands of tons of sand instead of the fertilising deposits of former days. "These vast floods spread themselves over the village below, tearing away all the fertile fields which formerly lined the edges of the stream, and covering the rest of the country with a deep sandy deposit. For the first few years this sandy deposit was not so very injurious. It was fresh soil, and still held a good deal of the decayed roots of the grass and brushwood of the former vegetation. Moreover, a thin layer of sand is often a great protection to an Indian soil; it protects and supports the young and tender plants, and enables the soil below to retain its moisture for a long period. But gradually the tale became very different. Constant reports of deteriorated crops and distressed villages and tenants unable to pay their revenue replaced the uniformly prosperous reports of former days. Traffic and trade was checked by the great development of these vast sandy beds, which intersected all the main roads. Slowly the deterioration spread to villages beyond the action of flood, whose fields were being buried by the masses of dry sand brought from these torrent beds by the windstorms of the hot weather. Nor was the injury confined to the agricultural peasantry only. The increased volume of

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waters thus suddenly brought down soon carried away the bridges sufficient for former times, and necessitated the construction of further expensive bridges both on the Grand Trunk Road and the Railway, and even these proved insufficient when the waters submerged the country far and wide. To prevent these evils the submontane areas were declared reserved forests. Here the interests to be protected were important beyond all comparison with the interests which it was necessary to restrict; and so long as there was a reasonable hope of the restriction being effectual, lesser interests could not be allowed to stand in the way. In the case of "protected" forests on the other hand Government control was exercised more particularly in the interests of the rightholder. Many of these forests produced only the inferior sorts of timber or smaller growths of the better sort. The first object to be aimed at was the preservation of the wood and grass from destruction, for user could not be exercised so as to annihilate its subject, and the people had to be protected against their own improvidence. The second object was to arrange for the supply of forest produce to the greatest advantage and convenience of the people. To these two objects all considerations of revenue were ordinarily subordinated in the case of protected forests, under which head were also included many pastures and grazing grounds which were forests only in name.[1] Under the Forest Act of 1878 a forest settlement was carried out in 1882-89 as a result of which 103 square miles were demarcated as "reserved" and 67 square miles as "protected" forests.[2]

Standardisation of tenures by British Settlement Officers.

The investigations of the early Punjab Settlement Officers disclosed remarkable differences in the land tenures of different parts of the Province. The south-east, which came early under British rule, was characterised by village communities well-organised under proprietary bodies of kinsfolk, whose rights and duties were measured by ancestral shares. These joint village communities were already familiar to the previous experience of Settlement Officers in the North-Western Provinces.[3] On the borders of the Rajputana desert many of the villages had their origin in voluntarily associated bodies of comparatively

[1] *L.A.M.*, 722-23, 727-29, 734-35, 738, 740.
[2] *L.A.M.*, 748-49.
[3] *S.M.*, 148; *P.A.R.*, 207; see p. 157.

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recent colonies.[1] To these also the Settlement Officers extended the theory of joint responsibility, though whether they were originally joint is doubtful.[2] Further to the north a complication was introduced by the claims of those smaller cis-Sutlej Sikh chieftains who had survived out of the mass with whom the British had originally made alliance.[3] Their claims to overlordship were commuted to that cash allowance of one-fourth of the ordinary revenue payment, which was generally as much as they had been previously able to wring out of the strong village communities of those parts. The descendants of these original chieftains increased and multiplied to such an extent that the record of their claims became an appreciable burden on the revenue establishment. But all attempts to introduce a system of primogeniture failed, owing to the fact that thereby the younger sons would forfeit not only the few annas yearly which was all that many of them were entitled to, but also the proud appellation of *jagirdar*,[4] with all its romantic historical associations, of which the entry in Government records provided an unimpeachable certificate.[5] In the central Punjab, village communities were less homogeneous, and the Sikh rule had created a state of things in which the land in each man's possession had to be recognised as the measure of his liabilities, and also of his right in any common property or profits.[6] In the Himalayas, on the other hand, " the dense forests and the precipitous nature of the country rendered cultivation possible only in isolated patches. Anyone who cleared and broke up a small area of land built his house in the clearing,[7] and except in the more continuous and fertile valleys man was not able to satisfy his gregarious instincts. Each settler would collect his firewood and graze his cattle in the surrounding forests, and thus gradually create a right over the waste in the vicinity of his clearing. Where clearings were close together, convenience led to neighbouring settlers establishing joint rights in the waste, and as population increased and interests began to conflict, specified areas of waste would become recognised and subject to the exclusive rights of user of several settlers. Thus a whole valley, the

[1] pp. 196-8. [2] *P.A.R.*, 212. [3] p. 195. [4] Revenue assignee.
[5] *L.S.B.I.*, vol. I, 195 ; *L.S.B.I.*, vol. II, 682, 700-1.
[6] *S.M.*, 148.
[7] cf. the " trevs " of ancient Wales and Cornwall (Trevelyan's *History of England*, 12).

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whole of one side of a hill, or any other natural division of the country might become subject to the rights of user of several settlers, who had individual cultivated clearings scattered about over it. These settlers with common rights would not necessarily be related and might belong to entirely different tribes or castes."[1] These hill hamlets had in fact the characteristics of the earliest type of village community,[2] before the joint system was introduced. This primitive type of village had survived in Bombay and Madras, where the system of dealing direct with the individual cultivator in revenue matters had been very successful.[3] This method would have had the additional advantage of leaving the valuable forests the property of the State. Unfortunately Barnes, the famous Settlement Officer of Kangra, applied to those scattered hamlets the theory of the classical joint village communities of the south-east Punjab.[4]

Again the north-west of the Province was characterised by the juxtaposition of dominant families and clans and of a miscellaneous collection of inferior tribes. The heads of some of the fighting clans, such as the Gakkhars,[5] had ruled wide tracts under the nominal suzerainty of the Mogul Emperors. But wherever the arm of the Sikh ruler could reach, the great families and clans fared badly;[6] though the process of obliterating their rights had gone much further in the more accessible areas than in the wilder tracts along the Indus. Moreover, the settlements of these latter areas were not completed till after the Mutiny, when official opinion was more sympathetic to the claims of those martial clans, who had rendered excellent service against the mutineers and whose rights were recognised roughly in inverse proportion to their distance from the Indus. To the east of this region the rights of the old clans, when recognised, were limited to a small surcharge on the land revenue, further west they received in addition full proprietorship of the village waste, the inferior proprietors being limited to the ownership of the holdings they actually cultivated. Still further west the old leading families were able to obtain full proprietary rights.[7]

[1] *P.A.R.*, 211; pp. 198-9.
[2] p. 18.
[3] pp. 153-4.
[4] *S.M.*, 150, 154-5; *P.A.R.*, 211;
[5] p. 41.
[6] p. 183.
[7] *S.M.*, 174-8; *L.S.B.I.*, vol. II, 630.

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In the arid plains of the south-west of the Province the rarity of true village communities, already noted as a feature of the land tenures of the hills, was reproduced under entirely different physical conditions. "Here the climate by itself was enough to account for the prevalence of holdings in severalty. The rainfall was extremely scanty, and outside the river valleys the country was a grazing ground for sheep and a browsing ground for goats and camels which had to wander over wide tracts in search of food. Some limits were no doubt recognised within which the cattle of a clan grazed, but it would not have profited smaller groups to appropriate or have assigned to them allotments of waste in consideration of being excluded from the remainder. Hence one of the most essential features of the village tenure, the common waste, could not exist. The nature of the cultivation also opposed insurmountable obstacles to the growth of a village system. Tillage was very largely dependent on the provision of artificial means of irrigation. In the uplands the scattered wells were deep and costly." Even in the wide river valleys wells were necessary to supplement the flood water which was led on to the lands through artificial channels. Thus the unit of property was the well, or in the lands adjacent to hill torrents, the large embanked field.[1] In this region the joint village system was forcibly engrafted on a form of property with which it was incompatible. "Several of these wells or embankments were collectively called a village, and were looked upon from an administrative point of view as forming one community; but they were not, properly speaking, sub-divisions of a village, but a series of proprietary units not really in any way knit together, but thrown into association either by the necessity for mutual protection, or, still more often, by the accident of having been included for administrative purposes within a common village boundary, and now maintaining that association simply as the result of the revenue system of the country." Moreover, here as in the north-west, were dominant families and clans enjoying an admitted social superiority over the larger body of miscellaneous castes who cultivated the greater part of the land. Some of these "superior proprietors" were the descendants of tribes who came thither for grazing at a time when the country was depopulated;

Tenures of the south-west and the Frontier.

[1] *band. S.M.*, 165; *P.A.R.*, 208.

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others were the descendants of former revenue assignees, governors, or officials who lost their position in troublous times, but were able to retain a right to a small grain fee in the tract over which they once exercised authority. Others again were the descendants of holy men, who formerly held land free of revenue, but whose rights had been curtailed by successive governments. Others again were settlers introduced by Sawan Mal[1] or his predecessors. In the south-west the claim of these overlords had been less overborne by the levelling effects of Sikh rule than elsewhere, and was in some cases recognised in the early British settlements. The title of the superior landlord was most fully preserved in the Mianwali district to the north of this area. Further south, proprietorship was granted to the inferior landowners, though the claim of the superiors to a share of the produce was recognised and commuted into a surcharge on the assessment. Still further south the superior proprietary right disappeared altogether in many villages.[2] A special class of tenure was recognised in the case of the owners of desert wells,[3] or of irrigation channels constructed at their expense in land belonging to others. "They possessed hereditary and transferable rights, both in the well or irrigation-channel and in the cultivation of the land irrigated from it, but might be bought out by the proprietor repaying the capital they had expended. They were generally entitled to arrange for the cultivation, paying a small fixed proportion of the produce to the proprietors, and being responsible for the Government revenue. Sometimes, however, the management of the property was made over to the proprietor, who paid the Government revenue," the well-owner receiving from him a fixed portion of the produce.[4] In the mountainous frontier districts also irrigation was an important element of proprietary right. At the time of its original conquest by the Pathans the land had been distributed on nomadic tribal lines.[5] But this primitive tribal division was often overborne by the power of the tribal chief[6], "the latter becoming virtually owner of the whole of the land. He would have been condemned by the voice of the countryside had he turned out a tribesman from

[1] p. 186. [2] *S.M.*, 171.
[3] *chakdar*, i.e., owner of the *chak*, or plot of land round the well.
[4] *haqq kasur*; *P.A.R.*, 209; *S.M.*, 173.
[5] p. 99. [6] *Khan*.

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the land he actually held or debarred him from grazing cattle in the waste, so long as he bore arms in war, paid the customary cesses, and rendered the customary services. But all the fields which a tribesman could not cultivate were at the chief's disposal, as was the land of tribesmen who left the country or died childless, and the chief could also grant allotments out of the waste to men who helped him with their swords or their prayers. These gifts were irrevocable so long as the service was duly rendered, but there were other grants, especially to cadets of his own family, which were held during the chief's pleasure." Thus ultimately conditions on the frontier approximated to those which had obtained under the Rajput chiefs of the hill district of Kangra.[1] Under British rule the tendency was to classify these tenures on the lines already recognised in other parts of the Province.[2]

Main features of proprietary right.

One of the most distinguishing characteristics of land ownership in the Punjab was the widespread prevalence of double ownership, where two right holders, a superior and inferior, claimed the ownership of land. In many cases the claims of the superior owner, in a few those of the inferior, were entirely ignored by the British. But large areas still survived in which the rights of both owners were recognised. It then became necessary to decide which of these should be the owner *par excellence* and therefore responsible for the payment of the land-revenue. When this status was granted to the superior owner, the inferior under the name of occupancy tenant[3] had a permanent, heritable, and transferable right of cultivation, subject only to a rent fixed by authority (which might, however, under certain circumstances be enhanced) and to a right of pre-emption in the landowner in the case of transfer. When, however, the proprietary right was granted to the inferior owner,[4] the superior's[5] claims were commuted to a quit-rent.[6] In a third class of cases full proprietary right was granted to the superior owners, a limited proprietorship in the lands they actually cultivated being granted to the inferior proprietors[7] who, however, were not members of the village community nor

[1] pp. 198-9. [2] *S.M.*, 161-4. [3] p. 163.

[4] *adna malik*. [5] *ala malik*.

[6] *S.M.*, 121, 143; *L.S.B.I.*, vol. I, 200; *L.S.B.I.*, vol. II, 630; *P.A.R.*, 221.

[7] In this case known as *malik qabza*.

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" entitled to share in the common profit, nor liable for anything more than the revenue of their own lands, the village charges ordinarily paid by proprietors, and the quit-rent, if any, payable to the proprietary body of the village ".[1] No attempt was made in the Punjab to equate proprietorship to full ownership, as understood in English law. In particular limitations were set on the power of free alienation, which, inadequate though they were, still marked a reaction against the ruthless doctrinairism of Thomason.[2] The landowner was entitled to the use and occupation of his land during his life time, but after his death it descended according to customary tribal law (i.e. normally to the agnates).[3] He could, however, let the land to tenants on such terms as he thought fit, but he would always be liable to pay the land-revenue.[4]

Tenant right: Punjab Tenancy Acts.

The main features of the quasi-proprietorship known as occupancy tenancy had already been fixed in the North-Western Provinces, where it was decided that such rights might be presumed from continuous occupancy of land at reasonable rent rates.[5] In the Delhi Territory occupancy of this nature for twelve years was considered sufficient.[6] In the south-east occupancy rights were granted to those tenants who had helped the original colonists.[7] The twelve years rule of the Delhi Territory was very generally adopted in early Punjab settlements, though the best revenue officers held that it should not be regarded as the sole criterion, and that the quality, as well as the length, of occupation should be taken into consideration. Afterwards it became usual to draw a distinction between resident and non-resident tenants, and to accept twelve years possession in the case of the former and twenty years in the case of the latter. In some settlements a file embodying the decisions as to the status of all tenants[8] " was drawn up for every estate, and this was of great value in case of disputes. As a matter of fact in the absence of definite rules every Settlement Officer decided such cases as came before him according to his own view of what was right and proper. For example, grounds which one man

[1] *S.M.*, 142 ; *L.S.B.I.*, vol. I, 200 ; *P.A.R.*, 213.
[2] p. 162. [3] p. 13, n. 4.
[4] *S.M.*, 120 ; *L.S.B.I.*, vol. I, 226 ; *L.S.B.I.*, vol. II, 626-27.
[5] p. 164. [6] pp. 192-3.
[7] pp. 196-8 ; *L.S.B.I.*, vol. II, 710-11.
[8] *naksha mudakhilat* or *misl tankih huquq muzaran.*

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would have considered enough to establish a claim to a proprietary title, another might regard as only sufficient to justify him in treating a cultivator as an occupancy tenant." In practice the village accountants decided the status of cultivators in a great many cases; and they naturally followed the only definite rule they knew, which was that based on length of possession. "Landlords had not awakened to the profits to be derived from a cash assessment, and indeed these profits were mostly prospective. They were, therefore, little disposed to contest entries, the immediate effect of which was to make tenants share in the burden of a money demand which they dreaded, and where land was abundant and hands scarce the landowner was sometimes more eager to concede, than the tenant was to accept, an occupancy title." In some places tenant right was held to be transferable, in others not, and the local customs on this point varied considerably.[1] After the Mutiny, however, when sympathy veered round in favour of superior owners generally, there was a considerable reaction against this readiness to grant occupancy rights, a reaction of which the celebrated Settlement Commissioner, Prinsep, was the spokesman. There was a large element of truth in his contention. The rule that twelve years' possession conferred occupancy right was quite arbitrary. Moreover, though public opinion would have generally endorsed the right of a well-sinker to a permanent title of some sort, it was only in the wilderness of the hills or the south-west that such a right would have been earned by bringing waste land under the plough or by ordinary improvements. "When a body of loose and varying local customs is poured into the mould of rigid definition it is certain to be changed in the process, and it is well to delay the operation till the customs have been fully ascertained. It might have been better, therefore, at the first regular settlements to record tenants by the names by which they were locally known and to note carefully the incidents of the tenure in each case." But once a decision had been reached it was unwise to reopen the whole question, and alter rights, which had been regarded by the people as settled once and for all. Yet, under Prinsep, while a few of the recorded occupancy tenants were made proprietors, the majority lost their rights, though in some cases they were protected against rent-enhancement for limited periods.[2] It

[1] *S.M.*, 198. [2] *S.M.*, 200-2.

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was as a result of the controversy engendered by these changes that the first Punjab Tenancy Act was passed in 1868, at a period also characterised by a passion for legislation on every possible subject. As a result, the changes effected by Prinsep were held to be invalid. But the *status quo ante* Prinsep was not completely restored and doubtful cases were reserved for the decision of revenue courts, to which was now allocated the Settlement Officer's duty of revising the rents of occupancy tenants.[1] These rents owed their origin in pre-British times to fiscal arrangements and not to economic causes.[2] This was obvious where they were limited in amount to the land-revenue and cesses and perhaps an additional fee[3] to the overlord. But it was equally true in the case of rents taken in the form of a definite share of the grain heap on the threshing floor,[4] or of an estimate of that share by appraisement of the standing crop.[5] These represented the share of the produce which the State had claimed in pre-British times. Even fixed cash rents often had a fiscal origin, though they were more susceptible of readjustment on an economic basis. But when the British Government commuted the old grain rents into cash, the landlords still continued to take them at the old rates from the tenants. Now the first Punjab " Settlement Officers had a strong prejudice against grain rents ", and it seemed to them natural and only equitable that when they commuted the grain payment into a cash assessment in the case of the landlord, they should do the same in the case of the tenant; a procedure in which the landlords often acquiesced readily enough, owing to the difficulty they anticipated in paying the fixed cash assessment after a bad harvest. Gradually, however, the landlord's right to an overlordship fee was recognised, his claims receiving more sympathy after the Mutiny.[6]

Tenancy law was finally settled by the passing of the second Punjab Tenancy Act in 1887, which barred all settlement enquiries into the status of tenants. Owing to the fact that half the landowners of the Punjab were themselves cultivators, the Act was far more sympathetic to their claims and less to that of the tenants, than was the case with similar enactments in other provinces, where the owners were generally mere rent-receivers. It was laid down that no tenant could obtain

[1] *S.M.*, 203-4; *L.S.B.I.*, vol. II, 705-9. [2] p. 154; *Maine*, 183.
[3] *malikana*. [4] *batai*. [5] *zabti*.
[6] *S.M.*, 199, 206; *L.S.B.I.*, vol. II, 716.

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occupancy rights by mere lapse of time. Claims could only be established by (1) prescription, (2) former landowners whose rights had lapsed, (3) those settled in a village with or by the original founders, (4) assignees of land revenue[1] who had specially cultivated any land within their assignment, (5) those who had been entered in a Prinsep or pre-Prinsep[2] record of rights as having occupancy rights, (6) special local classes (such as sinkers of wells) who in particular districts were recognised as entitled to this right.[3] These occupancy rights were subject to the ordinary tribal law being "inheritable by male lineal heirs, by the widow and by male collateral heirs, provided that in the case of the latter the common ancestor occupied the land". Subject to certain restrictions they were also transferable, though in practice they were seldom transferred. The widow only inherited a life interest in her deceased husband's holding.[4] Rents were liable to enhancement or reduction in accordance with fixed rules, and as long as the appointed rent was paid, the tenant could not be disturbed, unless he deliberately allowed the land to deteriorate. "Moreover, next to the proprietors, tenants, with a right-of-occupancy, had a pre-emptive claim to purchase any land offered for sale in the village in which their holdings were situated."[5] The right to make improvements, which had been previously somewhat doubtful, was under the first Tenancy Act definitely granted to occupancy tenants, the landlords, who also had the right, being somewhat chary of exercising it in land which they did not occupy.[6] The Tenancy Act also did something for tenants-at-will who were so far protected that they could not be ejected save after issue of notice through a revenue court. "These notices could only be issued at particular seasons of the year, and opportunity was then given to any tenant either to contest his liability to ejectment or to claim compensation for unexhausted improvements as a condition precedent to relinquishment of the land."[7]

Revenue assignments. The practice of rewarding services to the State by the assignment of the land revenue of a tract of land instead of by a salary or pension in cash had its origin

[1] *jagirdar*. [2] pp. 259-63.
[3] *S.M.*, 207-11; *L.S.B.I.*, vol. II, 174.
[4] *P.A.R.*, 233; *S.M.*, 212, 214.
[5] *P.A.R.*, 223; *S.M.*, 213, 216-17; *L.A.M.*, 64-5.
[6] *L.A.M.*, 70-6. [7] *P.A.R.*, 223; *L.A.M.*, 54-63, 72-3.

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in the earliest days of the Hindu monarchy,[1] and was maintained by the early Muhammadan kings,[2] by the Moguls,[3] and the Sikhs.[4] Under Ranjit Singh these beneficiaries absorbed no less than one-third of the State income, and after annexation it was on the question of their treatment that the differences between Henry and John Lawrence came to a head.[5] Though John was unfavourable to their claims, they still retained one-sixth of the total land-revenue of the Punjab, a larger proportion than in any other province.[6] The cis-Sutlej assignees had fallen from the higher estate of allies of England,[7] but with the conquest of the Doab after the first Sikh war[8] arose the question of the treatment to be accorded to the assignees of the Sikh Government. It was, in the first place decided that those hill Rajput chiefs who had been reduced by the Sikhs to the position of assignees should remain so, ruling powers being only retained by the hill chiefs of Mandi and Suket, whom the Sikhs had never reduced, and the Sikh chief of Kapurthala, the head of the old Ahluwalia Sikh league. As a young man Ranjit Singh had exchanged turbans with him and climbed to power by his assistance, but he owed the retention of a position of semi-independence not to Ranjit Singh's gratitude, but to the fact that he had also large possessions south of the Sutlej, so that Ranjit Singh feared that the British might interfere if he carried matters to extremities. In dealing with other assignments the plan followed was roughly to maintain in perpetuity all assignments which had been in existence before Ranjit Singh, to cancel assignments which were really the substitute for pay for duties no longer performed, and to maintain for the lifetime of the incumbent those which were in the nature of a pension. But with the final annexation of the Sikh kingdom the question assumed political importance, and each type of grant was dealt with on its merits. The Sikh grants for military and civil service had been chiefly in lieu of salaries, and for these a pension was substituted unless the grantee was taken into British employ. The same principle was applied to the grants to Ranjit Singh's household attendants. "The feudal nobility of Ranjit Singh, the pillars of his State, tended towards inevitable decay." Their gaudy retinues disappeared; their

[1] p. 37. [2] p. 104. [3] p. 120.
[4] pp. 183-4. [5] p. 214. [6] *L.A.M.*, 79.
[7] *L.A.M.*, 101-127. [8] p. 207.

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city residences were less gay with equipages and visitors, their country seats and villas less frequented. But John Lawrence did all he consistently could to mitigate their reverses, and render their decline gradual. "They received handsome pensions, or retained for their lives a moiety of their landed grants." When any of them was judged to possess hereditary claims, a fair share of his landed fiefs was guaranteed to him and his posterity in perpetuity. These feudal chiefs "were treated with considerate respect by the servants of the Government; they swelled public processions, and attended at ceremonial functions". Their sons sought Government employ, and began to acquire a liberal education. "Their retainers similarly enjoyed the bounty of the Government. The numerous dependents of the late *régime* were also provided for. Not only were the royal widows and their attendants cared for, but also the office-bearers of the Court, the chamberlains, the mace-bearers, the soothsayers, the physicians, the *savants*, the musicians, the men-in-waiting, were all borne on the pension rolls of the British State." Such classes were doomed to sink into obscurity, but their vanished splendours were not succeeded by poverty, and the multitude, which surrounded and supported the throne of Ranjit Singh and his successors, continued to exist in substantial comfort. The priestly classes had also every reason to bless their new masters. The Sikh holy places were respected. The shrines at Nankana Sahib, Amritsar, Tarn Taran and Anandpur, retained a large portion of the endowments lavished on them by the Sikh Government. Liberality was indeed extended to all religious characters including even mendicant friars and village ascetics, thousands of whom were allowed to retain their petty landed grants on a life tenure. There was hardly a village mosque, a rustic temple, or a shaded tomb, of which the service was not supported by a few fields of rent-free cultivation.[1] Of a more permanent nature were the minor local chiefs[2] who had formed a valuable element in the administration from the earliest times.[3] Under the Sikhs they aided in collecting the revenue and enjoyed many privileges and immunities. But John Lawrence had no use for them. They were pensioned off, and lost the power and influence which their official position had given them. Their revival was due to the practical genius of Prinsep, who saw in them

[1] *L.A.M.*, 88-9. [2] *chaudhri*. [3] pp. 38 n. 1, 180 n. 1.

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a useful intermediary between the Government and the people. Under the name of *zaildars*[1] they supplied to the administrative system that element of popular representation which it would otherwise have lacked, and enabled the orders of Government to be executed in the way most agreeable to the social customs of the people. The supplementary device by which in some villages a chief headman[2] was appointed over the other headmen was less successful and was gradually discontinued.[3] In the Baluch area across the Indus to the south-west of the Province the tribal Chiefs[4] retained important magisterial and administrative functions under the British, in consideration of which, and of their steady loyalty, they were still allowed to collect in grain the land revenue of particular villages, which was assigned to them as payment for their services; a privilege which was highly valued, as they were thus enabled to collect an amount which approximated to the pre-British land-revenue, and was therefore considerably higher than that which they would have obtained from the British cash assessment.[5]

After the Mutiny the feeling that the landed aristocracy should be maintained, where it existed, led to the fear that those large estates, which followed the agnatic rule of inheritance, would be gradually split up. Orders were accordingly issued that in the case of all new assignments granted by Government, the rule of primogeniture should be followed and proposals were also made for its application to the older estates. Eventually, however, the matter was dropped, and for a whole generation sub-division went on unchecked. The resulting evils would have been even more apparent, but for the fact that many of the large assignees found it difficult to perpetuate their families at all, considering themselves fortunate when they had a single son to inherit their family honours.[6] In cases where there was a danger of the family becoming extinct, the right of adoption was generally granted by Government.[7] The duty of contesting the claims of the supposititious children, often introduced into childless houses, was left to the male kinsmen.[8]

[1] i.e., ruler of a *zail*, the area in which they exercised executive authority.

[2] *ala lambardar*. [3] *L.A.M.*, 98, 333-4. [4] p. 108 n. 3.

[5] *L.A.M.*, 136-7. [6] *L.A.M.*, 140-54. [7] *L.A.M.*, 160-1.

[8] *L.A.M.*, 172; cf. the Chevalier de St. George, who was alleged to have been introduced into Mary of Modena's bed in a warming pan.

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Pre-Prinsep Settlements (1846-1863).

Having decided the persons who, as proprietors, were responsible for the payment of the land revenue, it remained to determine what the amount of that land revenue should be. In land-revenue matters the Punjab inherited the experience of the North-Western Province and thus escaped those first years of tentative arrangements—farming systems and harsh sale laws—which had been productive of such unforeseen and mischievous results in the basin of the Ganges.[1] But the Punjab officers were largely drawn from the North-Western Provinces, " and brought with them ideas of a revenue demand which were soon found to be ill-adapted to a tract with a rainfall far more precarious than that of the country from which they came. The summary settlements almost everywhere reduced the demand of the Sikhs, but it would seem that cash payment and rigidity of collection largely set off the advantage to the cultivator."[2] At first, however, the change was welcomed by the peasantry, and as long as the harvests were good, " and markets were steady, the new departure worked admirably. Those happy conditions lasted for two years, and then prices began to fall owing to over-production and the immense disbursements of the Government." The drop continued until grain sold at 50 per cent below its settlement valuation. Soon afterwards the rains failed, and for a harvest or two there was no production at all. The peasantry, however, had already spent the profits obtained from the previous harvests on their domestic requirements, of which in many families marriage expenses constituted a serious item. As a result " the cry of over-assessment was raised, and the Government, perceiving the general distress and having no exact data on which to base conclusions, accepted the popular view and lowered the assessments. With reductions and the return of normal seasons the clamour subsided, and the busy Administration congratulated itself that the root-cause of present and future agrarian difficulties had been removed."[3] These settlements were all of a summary nature. Village boundaries were demarcated, but no authoritative investigation into tenures took place, and as a rule the person found in cultivating possession was treated as the proprietor.[4] The

[1] pp. 154-63. [2] *Calvert*, 122.
[3] *Thorburn, P.P.W.*, 172-4; *L.S.B.I.*, vol. II, 532; *S.M.*, 37, 42.
[4] *S.M.*, 43-4 *P.A.R.*, 25, 248; *Thorburn, M.M.*, 47-8.

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regular settlements which succeeded were based on the "general considerations" which had governed the assessment procedure of Bird and Thomason in the North-Western Provinces.[1] The standard of assessment was reduced from two-thirds to a half of the "net assets", i.e., of the theoretic economic rent. In practice, however, economic rents hardly existed, the rents actually taken being "in many places, though not everywhere, clearly the creation not of ordinary economic causes, but of the recent action of the State in substituting a fixed cash assessment for a fluctuating share of the produce. The dues which the landowners received from their tenants were simply the equivalent of the revenue in grain which the Sikh sub-divisional officers[2] had taken from the actual tillers of the soil. Hence they were not looked upon as rents in the true sense of the word, and, when produce estimates were framed, a fraction of the gross produce, generally one-fourth, was assumed as the share of Government throughout a whole district, with small reference to the varying grain shares which actually prevailed." In many cases, however, no estimates were framed at all. "Really, what was done in the first Settlements, was to rely empirically on the fact that certain cash-assessments existed, that these were too high and had been got in with difficulty; or that now, by the effects of peace, owing to better roads and canals", a rise in prices or an extension of cultivation, they had become easy and too low; these were the fundamental facts. "The Settlement Officer talked freely with the people, and discussed matters with the village heads and with local hereditary officers and others. He began by taking a total sum which he thought fair for a whole tahsil;[3] it was probably an average of past collections, raised or lowered in the lump by a general sense of fitness which arose in the mind of an experienced man, who had been carefully over all the tahsil on tour, and had tolerable statistics of cattle, of wells, of increased cultivation, and so forth, to guide him, and also the figures of neighbouring localities for sanctioned Settlements which were working fairly. He then divided his tahsil into assessment-circles according to well-marked locally-recognised kinds of soil, and according as the land was irrigated or unirrigated, high or low-lying. And he made out rates of revenue—so much per

[1] pp. 159-60. [2] *kardar*. [3] p. 220.

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acre—which he thought generally fair for the soils in each circle. To do this, he had a few cash-rent rates which afforded a guide; he had rates paid for ploughs, each plough working so many acres. Produce-estimates were largely relied on; experimental reapings of given acres were made, but the results were only used as tests. No minute valuation was resorted to; it was first calculated that one-third of the gross produce was a fair share for the Government revenue when prices were low; but this was soon reduced to one-fourth; and afterwards it was always assumed that about one-sixth of the gross produce was sufficient; this could be calculated without difficulty for the grain-crops, and was valued at leniently-calculated average harvest prices. Applying the rates to the tahsil acreages of each class of soil, the Settlement Officer would see whether they gave an approximation to the total first assumed or not, and he would then manipulate the rates till they could be fairly presumed correct enough to justify the total sums recommended."[1] In distributing the assessment over villages there was a tendency to assess leniently those classes of cultivators, whose antecedent conditions had given them less opportunity of developing agricultural skill.[2] On the land irrigated by the Western Jumna Canal[3] a special water rate was charged on land actually irrigated each harvest. This was in addition to the fixed assessment on land normally irrigated, which, like that on land irrigated from wells, was itself higher than that on unirrigated land.[4] On the whole the amount assessed showed a considerable reduction on the demands of the summary settlements, which had been generally recognised as too severe.[5] In order to secure adequate supervision, Settlement reports for each tahsil were sent for approval to the Financial Commissioner, who was the head of the Land Revenue Department. Previously " the Financial Commissioner was rarely asked to sanction an assessment till the final settlement report of the whole district was received, and the new demand had sometimes been in force for years before the Settlement Officer found time to write his report ".[6]

[1] *L.S.B.I.*, vol. I, 310-11; *L.S.B.I.*, vol. II, 570-1; *S.M.*, 48-50.
[2] *L.S.B.I.*, vol. II, 571-2.
[3] pp. 191-2
[4] *S.M.*, 51.
[5] *S.M.*, 52.
[6] *S.M.*, 53.

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Prinsep Settlements (1863-1871).

The question of the principles on which the assessment of irrigated lands should be based received the special attention of Prinsep, when after a successful career as Settlement Officer, he was appointed Settlement Commissioner[1] in 1862. "The current of opinion had set strongly in favour of very lenient assessments. The country was on the eve of a great development of trade and an extraordinary rise in the money value of agricultural produce, but at the time it was doubted whether any very large increase of revenue was likely to be secured in future", and after the Mutiny the main object was to keep the country quiet and contented and to encourage agricultural improvements. The policy of making settlements permanent in well developed tracts was under discussion.[2] Prinsep had, moreover, been much struck with the expense and risk involved in well-irrigation. The British (he held) "had inherited from the Sikhs a tendency to over-assess irrigated lands, which constituted an unfair taxation of capital expenditure, and operated as a bar to those extensions of irrigation by private enterprise, which would be the best safeguard against famines such as that which had desolated the country in 1860. Reliance on survey data as a means of determining the irrigated area led to much inequality and hardship, the usual result being an over-estimate of the capacity of the wells. The State had a right to assess water as a cause of increased fertility when it became available for use just as it had a right to assess any inherent quality of the land. But the demand must be very light, otherwise capital would be taxed, and improvements discouraged." Another aspect of the same problem arose from the opening of the Bari Doab Canal which irrigated the Manjha, the central Sikh tract of the Punjab round Lahore and Amritsar. On the Western Jumna Canal, canal-irrigated lands were assessed at a fixed rate, of which a fraction was credited to the canal revenue account. The tendency of this system was to compel Government to go on supplying water to any village which had once taken it, even if profitable cultivation was quite possible without it, and the water was sorely needed in more arid tracts. It also tempted landowners to take water when it was not really required. But in the area irrigated by the new canal the principle adopted by Prinsep was to first make

[1] p. 268. [2] *S.M.*, 55-7; *Thorburn, M.M.*, 48-50.

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a "dry" assessment at the rate which would have been imposed had there been no well or canal, and then to add a "water advantage rate", i.e., an extra assessment on the advantages due to irrigation. In the case of canal lands this was paid by acreage rates on the area actually irrigated each year. Prinsep's proposal to apply this principle to well-irrigation also, was not adopted, as it made no allowance for the great differences in efficiency between various wells. In the case of wells therefore the water-advantage rate was assessed in the form of a fixed lump sum on each well, added to the ordinary unirrigated assessment. The acreage-rate on canal lands was known as the owner's rate, as it was paid by the owner, in contradistinction to the occupier's rate, which was a charge for water as a commodity and paid by the person actually cultivating the crop. Both these rates varied for different classes of crops.[1]

Legal Settlements (1871-1879).

Meantime uneasy consciences began to ask what was the law under which all this was being done. The Punjab was a non-Regulation province[2] though the despatch appointing the Board of Administration had spoken of the "spirit" of the Regulations being followed. Even St. Paul's dictum that "the letter killeth but the spirit giveth life" was little consolation; and the horrible truth had to be faced that all these settlements had been made without legal sanction. To remedy this defect the first Land Revenue Act was passed in 1871, supplemented by rules having the force of law under the Act.[2] Moreover, the same morbid sensibility began to criticise the practical common-sense methods of assessment known as "general considerations". Some proof was required by Government that the assessment was really based on an estimate of half the net assets, the now generally accepted standard of assessment.[3] This had been reckoned as equivalent to one-sixth of the gross produce[4] and this equivalent was tacitly accepted in the Province, though the Government of India refused to give it legal sanction. Produce estimates were now taken more seriously, being framed for each assessment circle on the traditional lines

[1] *S.M.*, 58-66; *L.S.B.I.*, vol. II, 574-5.

[2] *L.S.B.I.*, vol. II, 533, 544; *P.A.R.*, 249.

[3] Having been reduced from 91 to 83⅓, then to 66⅔ and finally 50 per cent, pp. 158, 161.

[4] p. 161.

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handed down from the time of Akbar.[1] The cultivated area of the assessment circle was divided into classes according to the soil and nature of irrigation. An average yield per acre was then estimated for each crop on each class of soil. This was multiplied by the average harvest prices for the last twenty years and by the number of acres of that class of soil. Thus was obtained the produce estimate for each class of soil, and the total of all classes gave the produce estimate for that circle, one-sixth of which was the standard of assessment. The result might have been useful enough had Government required (as Akbar did) a rough estimate of its resources, and realised, as the early British Settlement Officers did, that the estimate was liable to an error of at least 33⅓ per cent. For its inaccuracy was not confined to its practical application but was inherent in the theory on which it was based. It was doubtless impossible to forecast the steady upward trend of prices, and the underestimate obtained by taking the average of the past twenty years was at least an error on the right side. More serious was the error due to yield estimates, which were determined with reference to experimental cuttings and the information obtained by verbal enquiry. The experiments were many, but the area observed in each case was small and the results were admittedly of little worth. Moreover, such experiments would generally be made on land which could at least produce a fair crop, and they thus ignored the considerable areas of land yielding very little crop at all; so that yields estimated in this way tended to be considerably above the true arithmetical average. The error thus caused was exaggerated by the fact that the whole theory on which the produce estimate was based was mathematically fallacious, unless the yield over a particular class of land happened to be uniform.[2] In practice, therefore, produce estimates were always found to be far in excess of what was considered reasonable on general considerations. But in view of the importance now beginning to be attached to them by the higher authorities, they could not be ignored, and there was therefore a tendency to work backwards, i.e., to frame a reasonable assessment on general considerations, multiply by six to get the produce estimate, and then find out empirically what yields should be assumed to get this result. Initiation into this method of faking produce estimates formed an

[1] p. 122.

[2] See Appendix VII.

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important part of the settlement training of junior officers. The worthlessness of the methods employed were effectively disguised by the form in which the result was presented, correct to the nearest rupee, as though such an accuracy could be obtained for a single holding, let alone for an assessment circle of (say) fifty villages. Thus in practice the only result of the increased importance attached to produce estimates was to add considerably and unnecessarily to the work of the settlement staff. The actual assessments tended to grow more lenient with the rise in prices and the increased prosperity of the Province consequent on the opening up of new markets in India and Europe through railway development.[1] But to the land revenue certain cesses were added, a practice which Akbar had in vain endeavoured to combat.[2] Cesses of 5 per cent for the village headmen, $3\frac{1}{8}$ per cent for the village accountant, $\frac{1}{2}$ per cent for his stationery, were known as village officer's cesses. Further cesses, known as a local rate,[3] were levied to finance the District Boards. "It was usual in early settlements to levy a road cess at 1 per cent on the land revenue, and subsequently education and postal cesses, amounting to surcharge of 1 per cent and $\frac{1}{2}$ per cent respectively, were added." In 1883 Lord Ripon's District Boards Act[4] permitted the total local rate to be raised to $12\frac{1}{2}$ per cent of the land revenue though in practice not more than about 10 per cent was actually taken. Thus altogether the cesses on the land revenue amounted to an addition of nearly 20 per cent, a fact which had to be taken into consideration in fixing the amount of assessment.[5] "The lax control over settlements which had hitherto prevailed now gave place to much closer supervision. A settlement could now only be undertaken with the sanction of the Government of India and the officer put in charge of it was furnished with instructions, stating the principle on which the revenue was to be assessed, approved by the same authority. A report on the rates to be adopted in each tahsil was submitted for the orders of the Financial Commissioner and the Lieutenant-Governor, but it was not the usual practice for the latter to examine the rates closely or offer, at this stage of the proceedings, any detailed remarks on the assessments, unless

[1] *L.S.B.I.*, vol. II, 573; *P.A.R.*, 258; *S.M.*, 68-71.
[2] p. 124.
[3] p. 226.
[4] p. 226.
[5] *S.M.*, 74, 89-95.

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some important change, such as the introduction of an owner's rate, was in contemplation. A settlement was considered to be in progress till sanctioned by the Local Government. This sanction was not formally given till the final report for the whole district had been reviewed by the Local Government, and the Government of India. It was then too late to alter assessments which had generally been in force for years, an example of the fact that checks which are too elaborate are worthless. After receiving orders on his tahsil assessment report, and announcing " the amount of the assessment on each village, the Settlement Officer forwarded a detailed list of the latter for the Financial Commissioner's approval ".[1]

The second Land Revenue Act.

Opportunity was taken by the second Land Revenue Act to protect the owners of land whose land-revenue was assigned[2] by providing for its assessment by Government, the cost being recovered from the assignee;[3] and the idea of a permanent settlement received its *quietus*.[4] Thomason's policy of a moderate assessment to be revised after thirty (or under special circumstances after twenty) years[5] had been adopted in the Punjab after annexation; but after the Mutiny falling prices seemed to hold out little hope of a large increase in assessment, while (it was thought) a far greater enhancement of the revenue " was to be looked for from the indirect return due to the vast improvement in the resources of the country which would spring from the fixing of the demand in perpetuity ". It was a small sacrifice to accept some prospective loss of revenue if by so doing the land-owners could be bound to the side of Government by the strong chain of self-interest. " Men whose revenue was fixed in perpetuity would, it was supposed, detest a change of Government as much as fund-holders in a European country." The preponderance of these ideas exercised considerable influence on the precept and practice of Prinsep, whose " views on assessment problems were a good deal coloured by his belief that the demand in well-developed estates was about to be fixed in perpetuity. But when the final decision as to the term of his settlements was made, the policy of Thomason was again in the ascendant," assessments being generally for

[1] *L.S.B.I.*, vol. II, 576; *S.M.*, 73.
[2] i.e., *jagirdars*.
[3] *S.M.*, 179-83; *L.A.M.*, 197-8, 202.
[4] pp. 149-51.
[5] p. 161.

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twenty years, a thirty years' term being only granted in districts which were supposed to be fully developed. The rapid development of communications and the consequent opening up of new markets had "made it clear that a claim for an increased revenue might arise, to an extent far greater than had been imagined, from causes quite independent of the landlord's exertions"; and this fact combined with the advance of prices after 1865, led in 1883 to the definite rejection by the Secretary of State for India of the policy of a permanent settlement. The subsequent fall in the value of silver effectually prevented the question being again revived.[1]

Fluctuating assessments.

Meantime the increasing indebtedness of the agricultural classes under British rule had called attention to the inelasticity of the British fixed assessments, light though they were. For twenty years the system of fixity was "maintained by successive Lieutenant-Governors and Financial Commissioners, under the mistaken belief that as the assessments were absolutely light when compared with the yield of an average year, their rigidity was teaching prudence to an improvident people. For twenty years the axiom that the profits of good years were, or ought to be, more than a set-off against the losses of bad, was the curt and freezing rebuke invariably administered by authority to every Deputy Commissioner who ventured to impugn the practice of extorting revenue from needy, cropless peasants. But as settlements became more and more elaborate and inquisitorial in character, the old axiom was discovered to be a paradox." The sacred principle of fixity had already been broken by Prinsep's water advantage rate payable only on crops actually irrigated, and the same principle of an assessment which fluctuated with the area of crops actually sown was unostentatiously followed in the assessment of lands in the bed of the Indus and Chenab rivers. "Such lands being subjected to great vicissitudes owing to the uncertain action of the inundations in the flood season and to the changes in the course of the streams themselves, the absurdity of maintaining a fixed assessment, where one existed," was self-evident to the Settlement Officers engaged in assessing them. Similar conditions existed in the desert tracts to the south and west where sowing was impossible without adequate rainfall. The wide extension of the fluctuating system was

[1] *S.M.*, 47, 481-6; *L.S.B.I.*, vol. II, 577.

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strongly urged by Thorburn,[1] whose self-sacrificing enthusiasm sowed the seed of reform in the rural economics of the Punjab; and though his proposals were not accepted, they served to accelerate the steady tendency to extend the fluctuating system in canal-irrigated, desert and riverain areas.[2]

Early land records work. At the annexation of the Province the Land Revenue Department of Government, which dealt with the assessment and collection of land revenue, and the mass of miscellaneous administrative duties incidental thereto, was allotted to John Lawrence. When he became Chief Commissioner in 1853, these duties were entrusted to a Financial Commissioner;[3] under whom in 1865 was appointed a Settlement Commissioner to control the settlement operations[4] conducted by Settlement Officers. Revenue work, other than that connected with assessment, was performed by the ordinary administrative staff of Commissioners, Deputy Commissioners aided by Assistant Commissioners, and Tahsildars aided by Naib-Tahsildars.[5] This work consisted mainly in the collection of the land revenue and the supervision of the record of rights, the village Domesday Book drawn up on the lines originally introduced into the North-Western Provinces by Holt Mackenzie.[6] First prepared at the time of settlement, it was afterwards maintained by the village accountants, over whose work a *qanungo*, an official whose origin dated back to the remotest antiquity,[7] exercised a very inadequate paper check from a recumbent position in his office at the tahsil headquarters.[8] At the time of settlement it was the practice to supplement the regular district establishment of *qanungos* and village accountants by a special staff of surveyors,[9] experts both at field survey and the preparation of records of rights, and also at exploiting their expert knowledge to their own advantage. The practice dated from the time of Akbar,[10] and had been imported into the Punjab from the North-Western Provinces with a large batch of the surveyors themselves.[11] But as is so often the

[1] *Thorburn, M.M.*, 106-15, 180-2; see p. 332.

[2] *S.M.*, 72. [3] p. 231. [4] *P.A.R.*, 262.

[5] *P.A.R.*, 262-4; *L.S.B.I.*, vol. II, 730; see p. 220. Naib-Tahsildar=Assistant Tahsildar. There was generally one in each tahsil.

[6] p. 157. [7] pp. 38 n. 1, 123 n. 3, 149. [8] *L.A.M.*, 266. [9] *amin.*

[10] p. 121; *L.S.B.I.*, vol. II, 256. [11] *L.S.B.I.*, vol. II, 539.

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case, the expert's experience was counterbalanced by his lack of local knowledge and inadequate sense of responsibility, consequent on the temporary nature of his appointment.[1] The posts of *qanungo* and village accountant, on the other hand, were still, as in ancient times,[2] generally hereditary in families which had held them in pre-British times, and whose local influence and traditional knowledge and respectability of character were then considered sufficient compensation for a defective acquaintance with land revenue technique.[3] The accountant received the amount of the *patwari* cess[4] levied in the two or three villages of his circle, a most inequitable arrangement as an accountant with a rich highly cultivated " circle " " drew much more pay than his fellow in charge of a much larger and more difficult circle, containing villages where the precariousness of the crops had enforced a light assessment ".[5] The staff of village accountants was adequate in point of numbers, but it was ill-paid, ill-taught, and hardly supervised at all " except when a district was under settlement. The returns prepared in the villages were exceedingly unreliable, and the general statistical statements based upon them were little better than waste paper." Though Hindustani was recognised as the official vernacular of the Province,[6] many of the village accountants still kept their records in the antiquated Hindi. The statistical statements were often based, not on the seasonal inspection of the crops enjoined by Government, but on the probable estimate arrived at by the accountant sitting at his ease in the village rest-house ; " and indeed there was some excuse for this practice, for in many cases the circles were so large and included such an enormous number of fields that an accurate crop inspection was well-nigh impossible ". The annual edition of the record of rights was " sometimes made by simply repeating the entries as to cultivation contained in that of the previous year ". Some village accountants " paid the superior revenue establishment the compliment, which was probably undeserved, of supposing that this simple device might be detected, and only made the records of alternate years copies of each other. The crop inspections were a farce, and the annual papers a fraud."[7]

[1] *S.M.*, 247. [2] p. 37. [3] *Barkley, C.*, 18.
[4] p. 265 ; *patwari*, village accountant. [5] *L.A.M.*, 280.
[6] p. 228. [7] *L.A.M.*, 264, 268.

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"Generally speaking, it may be said that the village accountants spent the time between two settlements in forgetting what they had learned in the first. Year by year the records were allowed to get more and more out of date, so that when the time for a new settlement arrived, much money and labour had to be spent in entirely recasting them."[1] "The provincial returns compiled from such materials were of little use, and in 1875 the Secretary of State caustically remarked that the figures should be examined and proper endeavours should be made to correct errors, instead of, as at present, throwing away the labour expended in their preparation, by a sweeping paragraph in the Administration Reports denouncing the returns as useless."[2]

Agricultural statistics the basis of Rural Economics.

Similar conditions prevailed in the North-Western Provinces, where in 1874 Buck, the Secretary to the Board of Revenue,[3] diagnosed the disease, and suggested the remedy. It was indeed clear that a staff, which still preserved the characteristics of Mogul revenue administration, was unsuited to the highly specialised duties it was now called upon to perform. "The maintenance of maps and land-records in a state of continuous correctness would not only lead to economy in the future, and facilitate re-assessment of the revenue, but would provide a useful basis of agricultural statistics, and a knowledge of the peculiarities of different districts. Without these no agricultural improvement could be attempted; it would be working in the dark, and spending money in vain on experiments that had no basis to start from." For this purpose (said Buck) a higher standard of education should be required from village accountants, and the *qanungo*, who still nominally supervised an area which had its origin in Dravidian times,[4] should be sufficiently increased in numbers to allow for effective supervision. Above all, a special officer should be appointed "for the Province charged with the over-sight of record work and the collection of agricultural statistics on a uniform system".[5] "The exhortation of the Secretary of State and the example of the North-Western Provinces bore no immediate fruit." But the increasing indebtedness of the

[1] *S.M.*, 77. [2] *L.A.M.*, 269.

[3] Which in the North-Western Provinces exercised the functions of the Financial Commissioner in the Punjab (see pp. 146, 156).

[4] *pargana* (see pp. 37, 115 n. 6).

[5] *S.M.*, 78; *L.A.M.*, 270; *L.S.B.I.*, vol. I, 352-3.

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agricultural classes, evidenced by the Dekhan Riots of 1874,[1] and the lessons learned in the terrible famine of 1877-78 showed that there was something rotten in the state of Indian agriculture. The Indian Famine Commission of 1880 was of opinion that the basis of effective action by the Imperial Department of Revenue and Agriculture, recommended by them, would mainly depend "on the completeness and accuracy with which agricultural and economic facts were collected in each village, and compiled in each sub-division and district throughout the country. Without a perfect system of local information, the warnings of approaching troubles would be lost or misunderstood and the liability of different parts of the district to calamity,—the weak points, on which a watchful eye had to be kept, would not be known; and relief, in the shape of remissions and suspensions of the revenue demand, even when there was no widespread famine, would be given imperfectly and with the least benefit."[2] "The revenue system in the greater part of British India was such as to present unrivalled means of ascertaining, in the fullest manner, all necessary facts relating to agriculture, and to the different incidents of landed tenures in every village; but those means had nowhere been completely utilised and made as efficient as they might be. The body of village accountants should everywhere be put on a satisfactory footing as responsible public officers, with a clearly defined set of duties, but with due consideration to the importance of their permanent connection with their own villages. Over the village accountants there should be a staff of active sub-officers employed in keeping them to their duty, inspecting their work, visiting each village in turn, and checking the accuracy of all the items recorded concerning it."

Reform of Land Records work (1885).

The resulting reforms were introduced into the Punjab by Colonel Wace,[3] on the lines already proved so successful by Buck in the North-Western Provinces. The old *qanungo* at the tahsil headquarters was henceforth limited to compiling statistics received from the village accountants, while a new staff of field *qanungos* was provided to supervise the work of the village accountants in their villages. The pay and prospects of

[1] pp. 327-8. [2] *L.A.M.*, 271; *L.S.B.I.*, vol. I, 349-54.

[3] First as Settlement Commissioner, and later as Financial Commissioner.

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qanungos were much improved; while the pay of village accountants was graded according to their capacity and seniority instead of in proportion to the village revenue.[1] The accurate maintenance of these agricultural statistics and their utilisation as a basis for the improvement of the welfare of the agricultural classes was now entrusted to a new provincial department of rural economics known as the Department of Land Records and Agriculture, represented in the district by the Revenue Assistant to the Deputy Commissioner, whose main or only duty was to take charge of all matters connected with the economic condition and well-being of the people. The executive head of the Department was the Director of Land Records and Agriculture, chosen for his knowledge of the condition of the people and particularly of the agricultural classes. Apart from his control of the special statistical officers, his special functions were to advise the provincial Government on all matters connected with agriculture and statistics and superintend all measures designed to improve the agriculture of the country.[2] Agricultural statistics of a kind had been in existence since 1866, when a Statistical Committee, which sat in Calcutta "drew up a list of agricultural statements which each Local Government was to append to its annual Administration Report. Among these was a return of the area under, and yield of, the different crops." To provide these "an attempt was made to bring to record yearly about the month of December the autumn crops which had been mostly reaped some weeks or months before, and the crops which had been recently sown for the spring harvest. The plan was in no case likely to yield trustworthy results, and, in the lack of proper supervision, it is not wonderful that the harvest inspection was often made by the accountant sitting at his ease in the village rest-house. The utmost that the most sanguine could hope from the old procedure was a return of the crops sown at each harvest. But in many parts of the Punjab such a return would be worse than useless, for it would lead straight to the most erroneous conclusions. In high and dry tracts it is hard to say whether the more important feature of times of drought is the shrinkage of the area sown or the expansion of the area on which the

[1] *L.A.M.*, 275, 280.

[2] *L.A.M.*, 271; 273-5; *L.S.B.I.*, vol. I, 354-5; *L.S.B.I.*, vol. II, 728.

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crops fail to come to maturity. The character of the season at sowing time will decide which is the prominent factor in any particular bad harvest. The destruction of crops which are almost ready for the sickle is a common enough incident in riverain tracts."[1] The reforms effected in 1885 provided for the inspection of each harvest separately at the beginning of October and March.[2] These inspections were used for keeping up to date the Village Note Book, that abstract of the agricultural statistics of each village which had been started by Holt Mackenzie in the North-Western Provinces[3] and elaborated in the Punjab by Prinsep. Previous to 1885 these Note Books were compiled every settlement; but once the settlement was over no attempt was made to keep them up to date, indeed with the agency then existing such an attempt would have been vain. As a matter of fact "Settlement Officers found it impossible to make any use of most of the statistics which patwaris were supposed to collect, and could not even find statements of the results of past harvests on which they could place the least reliance".[4] After 1885, however, the Village Note Books were kept up to date by annual entries based on the harvest crop inspections and thus provided a continuous record in convenient tables of the total results of each harvest and each year's husbandry, these tables being kept first by villages, secondly by assessment circles, and thirdly by tahsils.[5]

Attempted assimilation of settlement and district revenue work.

Apart from their utility in providing a basis of fact for the economic speculations of the Director of Land Records, these statistics would (it was hoped) enable the costly and troublesome settlement proceedings to be dispensed with. The growing elaboration of settlement work, consequent on the increased supervision by the higher authorities, and the importance attached to the pseudo-scientific produce estimate had rendered the "legal" settlements costly and prolonged. The inauguration of a settlement in a district was accompanied by the invasion of a locust-like horde of underlings to survey fields, record facts, compile statistics, and fair out records. For five or six years this army of occupation remained in the district under settlement, exacting contributions and harrassing the people generally to such an

[1] *L.A.M.*, 267, 351; [2] *L.A.M.*, 349. [3] p. 158.
[4] *S.M.*, 67; *L.A.M.*, 264, 395-6. [5] *L.A.M.*, 276, 397-8.

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extent that the increased assessment was almost welcomed, coinciding as it did with the departure of the settlement staff. The latter generally remained at loggerheads with the ordinary district staff and the resultant dyarchy disorganised the whole administration of the district.[1] The keynote of the new policy introduced by Colonel Wace in 1885 " was the assimilation of settlement and ordinary district revenue work. Its success depended on the possibility of so improving the latter as to avoid the necessity of extensive surveys and revisions of records at future settlements ", by basing the assessments largely on a continuous record of agricultural statistics compiled by a well-trained staff of village accountants. In the custody of the latter were placed the essential settlement papers—" the large scale map showing every field and every detail of the estate, the index register to this ; the list of proprietors, their shares and interests, and the revenue they paid ; the list of tenants and their rents ". The responsibility of continually correcting these papers and keeping them up to date rested on the village accountant. Thus when the term of settlement expired, the record of rights would be found as correct and conformable to facts as when it began ; so that the Deputy Commissioner " himself, or perhaps a specially-deputed officer, could soon make out the necessary schedules for revising the assessment, and the ' re-settlement ' would be over ". The record of rights prepared at settlement consisted " of a series of formally attested records and maps, showing the persons liable to pay the revenue, as well as the rights of all classes interested in the soil ".[2] This record had been reproduced annually by the village accountant and was theoretically kept up to date. But this was in theory only. For mutations (or changes) of rights by sale, gift or inheritance, were only entered up at the instance of a right-holder, who had to bring a suit before the Tahsildar at the tahsil headquarters for this purpose. The reformed system laid the responsibility for initiating proceedings on the village accountant instead of the right-holder, and the responsibility for sanctioning on the Tahsildar, whose duty it was to go to the village for that purpose and conduct a very summary enquiry on the spot, instead of dragging the parties to a dilatory proceeding at the tahsil headquarters. Perhaps the

[1] *L.S.B.I.*, vol. I, 355-6.

[2] *L.S.B.I.*, vol. I, 357, 359 ; vol. II, 353 *S.M.*, 76.

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most important result of this admirable system was the provision of the illiterate peasant with a complete land-title at practically no expense. It was of comparatively little importance whether deeds of transfer were drawn up or not—the village records made all titles as clear as possible.[1] The hoped-for extinction of the elaborate settlement procedure was indicated in the abolition of the Settlement Commissioner, who was replaced by a second Financial Commissioner, a post to which the name of Colonel Wace gave a new distinction.[2] "As soon as he became Settlement Commissioner he had taken measures to secure the accurate registration of the crops of both harvests at the time when they ripened, and ordered the average results for several years to be entered as the crop areas in the produce estimate. At the same time he provided for a very careful and detailed enquiry into prices and the carrying out of numerous experiments by the settlement staff to determine the yield of the principal crops. The experiments hitherto made having been discredited on account of the smallness of the plots observed, much larger areas were now selected, and elaborate reports of the experiments carried out were submitted to the Settlement Commissioner harvest by harvest." His next step was to simplify maps and records by discouraging excessive minuteness in survey work, at the same time abolishing "the vicious procedure by which the survey and record work of the patwari in the field was followed by an elaborate scrutiny or 'attestation' in the office, after which the record-of-rights was faired. The inevitable tendency of the old system was to encourage careless work in the field both on the part of patwaris and of supervising officers." He made Deputy Commissioners responsible for keeping existent records up to date and ordered Settlement Officers "to dispense with fresh surveys, renewed classifications of soils, and detailed revisions of records as far as possible", and only to undertake the re-measurement of villages when it was rendered absolutely necessary by gross errors in the village accountants' maps. This preliminary work would (he hoped) be ultimately dispensed with when the new system had been working long enough to bring all records up to date. The actual assessment would be a subsequent and entirely separate operation.[3] In the Land

[1] *Baden-Powell*, 443-4; *L.S.B.I.*, vol. II, 553; *P.A.R.*, 257.
[2] *P.A.R.*, 262. [3] *S.M.*, 79.

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Revenue Act of 1887 the policy of assimilating settlement and ordinary revenue work was carried to its logical conclusion. "The term settlement disappeared altogether. The Settlement Officer was henceforth a revenue officer invested with most of the powers of a Collector and charged with the duty of making a general re-assessment. The records drawn up at settlement and the annual records prepared by patwaris were put on precisely the same legal footing, and a special revision of the record of rights, though provided for, was regarded as an exceptional proceeding, having no necessary connection with the re-assessment of the land revenue." The officers put in charge of those settlements which were started about the time of the passing of the Act were enjoined to undertake the re-measurement of an estate only where the necessity for it was clearly proved. "Where the old maps on being tested proved accurate enough for revenue work, they were to be retained, and brought up to date. No special revision of records was ordered. The principle was laid down that the district revenue staff as recently strengthened by the re-organisation of the *qanungo* agency should be fully utilised, and the extra establishments allowed were small. The old plan of making the Deputy Commissioner himself re-assess his district was revived in some cases, and it was intended that the Tahsildar should take a large share in the settlement work of his tahsil."[1] The Land Revenue Act was supplemented by rules having the force of law, and by orders contained in circulars issued by the Financial Commissioners. These orders could be modified by the Financial Commissioners themselves when experience showed necessary, without reference to Government, thus avoiding the cumbrous procedure of legislation.[2] One of these circulars brought assessment procedure into conformity with the new policy. "A broad and simple classification of soils and grouping of villages into assessment circles was advocated. For his assessment data the Settlement Officer was henceforth to rely on the new revenue registers and especially on the continuous record of crops which they contained. The elaborate returns hitherto compiled for assessment purposes were given up. The proposed rates", it was said, "should be justified by broad and simple arguments such as will command equally the confidence of superior revenue authorities and the assent

[1] *S.M.*, 81. [2] *P.A.R.*, 250.

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of the land-owners. In short, provided that a sufficient account is given of the reasons by which the proposed rates are supported, every practicable abbreviation and simplification of these reports is much to be desired. The points on which the new assessment turns should be approached with all practicable directness, avoiding detailed notice of collateral issues, except so far as they are of major importance. As a general rule Government has no desire to materially alter pre-existing rates. They may be raised where there is a marked rise in prices, where they are unduly low as compared with well established rents or the rates of adjacent districts, or where the provision of a new means of irrigation has completely altered the circumstances of the tract. They may be lowered where there is reason to think them above the half assets standard, or where, when applied to circles in which the area of cultivation has greatly increased, they give percentages of enhancement which cannot be safely taken." Colonel Wace was for abolishing the sacred produce-estimate, but this was too much for the Lieutenant-Governor, Sir James Lyall, who felt the expert's affection for a cumbrous and difficult piece of technique, which he had himself mastered with difficulty. A similar conservatism dictated the retention of much of the complicated system of control which it had been the object of the reforms to simplify. Settlement Officers were required "to submit two reports, a preliminary one deducing the half net assets standard rates from the rent *data* and a further one dealing with the actual assessment which it was proposed to impose, and the revenue rates to be used as a general guide in its distribution over estates". The preliminary report (observed Sir James Lyall) "will be based entirely on actual facts, no allowances being made with regard to results, and will be termed the preliminary report on assessment circles, prices, yields, rent, rates, and half net assets. The Financial Commissioner on receiving the report will consider if the proper number of assessment circles and of classes of soils have been used, and whether the prices and rates of yield adopted are fair. When the Financial Commissioner has approved this report, the Settlement Officer will begin the actual work of detailed assessment. He will apply his theoretical standard rates to a number of average villages in each assessment circle, which there is no special reason for assessing below the standard, and devise revenue

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rates suitable for assessing such average villages in each circle. If these rates are for general reasons considerably below the theoretical rates, he should be prepared to give such general reasons for going below in his assessment report. Having thus got his revenue rates to be used as assessment implements for each circle, he should inspect and assess each village, going above or below his rates according as the village is above or below average, but making allowance for special circumstances of all kinds such as comparative habits and circumstances of the proprietors, proximity of markets, communications, incidence of past assessments, profits from grazing, sale of wood, young stock, clarified butter[1] and fruit. He will then report for approval his proposed gross assessment for each circle based on his revenue rates and rough detailed village assessments."

Failure of the attempt.

Unfortunately the tragic death of Colonel Wace in 1889 removed the driving force required to make the new system work. The Revenue Assistants, so far from becoming the experts in rural economics that the scheme had originally contemplated, did not even fill up the Abstract Village Note Books which were intended to give Settlement Officers an economic history of each village in between settlements. The measures prescribed for the keeping up of village maps, and record of rights[2] (now revised quadrennially) were not properly carried out. Orders were not promptly passed on questions of land-transfer and decisions on questions of the partition of holdings (to which the agnatic system of inheritance continually gave rise) were unnecessarily postponed. Consequently that general revision of land records, which it had been hoped could have been avoided under the new system, still continued to delay the work of assessment. The settlement army of occupation still descended on the fated districts, sometimes to leave the last state of their land records worse than the first. Nor was the Director of Land Records the economic expert that had been foreshadowed. He soon degenerated into a peripatetic routinist unable to take broad views, and confining his attention to pointing out technical breaches of procedure on the part of office *qanungos* in long and prosy notes, which were fortunate if they received so much recognition as a yawn from the Deputy Commissioners to whom they were addressed. The filling up of tables of

[1] *ghi.*

[2] Known as *jamabandis.*

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agricultural statistics degenerated into a perfunctory ritual, regularly performed, it is true, but uncorrelated to any rational system of economic enquiry. Thus the scheme did little to reform settlement procedure, or to form a basis for the study of the rural economics of the Province. Its most valuable result was incidental—the provision of a system of land-titles which could compare favourably with any other in the world.

3. The Political Supremacy of the Lawyer

> The Law is the true embodiment,
> Of everything that's excellent;
> It has no kind of fault or flaw.
> W. S. Gilbert: *Iolanthe* (The Lord Chancellor of England *loq.*).

English Law assuredly travels to its conclusions by a path more tortuous and more interrupted by fictions and unnecessary distinctions than any system of jurisprudence in the world.
Maine, 5.

Roman and English Law.

Law may be defined as "that portion of the established thought and habit" of a community, which has gained distinct and formal recognition in the shape of uniform rules backed by the authority and power of the executive of that community.[1] It had its source in the immemorial custom of primitive communities, though only that custom would constitute law whose breach the early King or committee of elders was prepared to punish. "Under the reign of customary law that state of things actually did exist which modern" English (or Anglo-Indian) "law still finds it convenient to take for granted: everybody knew what the law was."[2] Doubtful cases would be referred to the elders, or king, or judge appointed by the king, and their decisions would tend to give consistency and coherence to custom.[3] Sometimes such a judge might, under the name of equity, use his power of adjudication to raise the general moral standard of the custom, instead of following it blindly.[4] This function was, however, more that of the priest, the prophet or

[1] *Woodrow Wilson*, 1415.
[2] *Woodrow Wilson*, 1417; pp. 25-8.
[3] p. 26; *Woodrow Wilson*, 1421.
[4] *Woodrow Wilson*, 1423.

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the social reformer, who definitely aimed at the improvement of customs on religious, moral or social grounds;[1] a duty afterwards discharged more systematically by the State through legislation.[2] The first scientific investigation and classification of the principles underlying the mixed legal rules based on the custom, adjudication, equity, religion, and legislation of the different nations of antiquity was made by the jurisprudents of the Roman Empire.[3] The words of the imperial poet

> Tu regere imperio populos, Romane, memento
> (hae tibi erunt artes) pacique imponere morem,
> parcere subiectis et debellare superbos,[4]

pictured the Roman ideal of good administration attained by Law, a law based not on technicality, but on principle. A similar attempt (though on a smaller scale) to systematise the medley of primitive local custom that then prevailed in England, was made by the masterful Plantagenet kings of England, who endeavoured to check the inherent tendency of law to become complicated and technical, thus supplying more business and therefore more fees to its practitioners.[5] The result of their efforts was to build up a separate system of English law, sufficiently consistent to prevent the introduction of the scientific principles of Roman Law; but insufficiently developed to prevent a reaction to the primitive chaos so loved by lawyers, once the strong hand of the Plantagenets had been removed. "One of the most erroneous notions about primitive judicial procedure is, that it is simple and straightforward. When it is actually examined, it is found to be full of traps and pitfalls."[6] And this complexity tends to increase with the increasing complexity of society unless, as was the case in the Roman Empire, it is definitely checked by a concurrent process of systematisation carried out by a strong

[1] *Woodrow Wilson*, 1419. [2] *Woodrow Wilson*, 1427.

[3] *Maine*, 19, 46; *Woodrow Wilson*, 273-7, 1426, 1433; *Vinogradoff*, 200.

[4] *Vergil., Æneid*, Bk. VI. "Remember thou, O Roman, to rule the nations with thy sway—these shall be thine arts—to crown Peace with Law, to spare the humbled, and to tame in war the proud."

[5] G. M. Trevelyan, who writes with a strong pro-lawyer bias, nevertheless admits that "the English Common Law was a labyrinth of precedents, cases and decisions, a labyrinth to be unravelled by the help of clues held by the legal professon". (*History of England*, Longmans, p. 158); *Jenks*, 114; *Woodrow Wilson*, 349.

[6] *Jenks*, 115.

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executive. And to the lawyer who has mastered them, the technicalities of his craft, the knowledge of which differentiates him from the layman, become an object of almost religious adoration. Such was the case in England where the lawyers (said Swift) had "a peculiar cant and jargon of their own, that no other mortal can understand, and wherein all their laws are written, which they take special care to multiply;"[1] a failing from which the scientific principles of Roman Law effectually preserved the legal systems of the Continent of Europe.[2] The paralysis of the English executive which resulted from the civil strife of the seventeenth century left the lawyers free to develop the mysteries of their profession, a task which was only too congenial to the Whig oligarchy of the eighteenth century, who desired a plausible justification for enclosing the lands of their poorer neighbours, and turning the machinery of administration into a gigantic establishment for the maintenance of their protégés. For the legal system then evolved, while inflicting the most ferocious punishments on the petty pilferings of the poor, could always find a plausible pretext for the usurpations of the favoured few, no longer checked by a strong King or an independent Church. Even the judges themselves were restrained from making any effective improvements in the system which they nominally controlled. The secret lay in the "control of the English Bench by professional opinion—a control exerted all the more stringently when the questions brought before the courts were merely insulated fragments of particular branches of law. English law was, in fact, confided to the custody of a great corporation, of which the Bar, not the Judges, were far the largest and most influential part. The majority of the corporators watched over every single change in the body of principle deposited with them, and rebuked and practically disallowed it, unless the departure from precedent was so slight as to be almost imperceptible."[3] "It is a strange thing", said Bacon two centuries earlier "to see that the boldness of advocates should prevail with judges; whereas they should imitate God, in whose seat they sit; who represseth the presumptuous, and giveth grace to the modest. But it is more strange that judges should have noted favourites which cannot but cause multiplication of fees and suspicion

[1] *Gulliver's Travels*, IV, 5.

[2] p. 56; *Jenks*, 115-6; *Maine*, 5-6, 59-60. [3] *Maine*, 48-9.

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of byways." But this sort of thing was no longer strange in the eighteenth century. Even the clerks of the courts were "full of nimble and sinister tricks and shifts, whereby they perverted the plain and direct courses of courts, and brought justice into oblique lines and labyrinths which justified the common resemblance of the courts of justice to the bush, whereunto while the sheep flies for defence in weather, he is sure to lose part of his fleece."[1] The effect of unlimited power unchecked by any sense of responsibility on the character of the initiates of this mystery called forth the solemn condemnation of the writers of the period. "Those who made profession of this science" (said the traveller Gulliver)[2] "were exceedingly multiplied, being almost equal to the caterpillars in number; they were of diverse degrees, distinctions and denominations. The numerousness of those that dedicated themselves to this profession were such that the fair and justifiable advantage and income of the profession was not sufficient for the decent and handsome maintenance of multitudes of those who followed it. Hence it came to pass that it was found needful to supply that by artifice and cunning, which could not be procured by just and honest methods, the better to bring which about, very many men among us were bred up from their youth in the art of proving by words multiplied for the purpose, that White is Black, and Black is White, according as they are paid. The greatness of these men's assurance and the boldness of their pretensions gained upon the opinion of the vulgar, whom in a manner they made slaves of, and got into their hands much the largest share of the practice of their profession. These practitioners were by men of discernment called pettifoggers (that is, confounders, or rather, destroyers of right)."[3] "When" (wrote Fielding) "the first mean selfish creature appeared on the human stage who made self the centre of the whole creation, would give himself no pain, incur no danger, advance no money, to assist his fellow-creature; then was our lawyer born."[4] The most powerful weapon in the

[1] Bacon, Essay lvi.

[2] Through whose mouth Swift speaks, just as H. G. Wells speaks through the mouth of William Clissold.

[3] Swift, *Gulliver's Travels*, IV, 5.

[4] Fielding, *Joseph Andrews*, III, i. A perusal of the works of Swift, Defoe, Smollett, Fielding, Bentham, Sir Walter Scott and Dickens will give an idea of the English legal system as it appeared to the *corpus vile* on which it worked, very different to that which would appear from the complacent panegyrics lavished on it by its practitioners.

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hands of the lawyer was delay. His Fabian tactics could wear down the boldest spirits. Even in Shakespeare's time the "law's delays" were as proverbial as the "insolence of office". "My advocate must proceed with great caution," said Gulliver, "for since the maintenance of so many depends on the keeping up of business, should he proceed too summarily, if he does not incur the displeasure of his superior, he is sure to gain the ill-will and hatred of his brethren, as being by them esteemed one that would lessen the practice of the law."[1] "Verbosity," writes Lord Riddell to-day, "pervades the law courts, with the result that cases are unduly prolonged to the detriment of judges, juries, and litigants,"[2] though not (he might have added) of the lawyers. These characteristics were seen at their worst in the English Court of Chancery, which had circumvented the English Common Law by an equity based on a peculiarly complicated system of legal fictions. It was a misfortune for India that her conquerors should have brought with them this remarkably unscientific system of jurisprudence.[3]

Hastings and the Supreme Court of Bengal.

The English did not, however, introduce their legal system into Bengal immediately after its conquest. For some time the convenient fiction that it was still subordinate to the Mogul Emperor preserved the administration from the interference of English Judges. Civil and Revenue Law were administered in the districts by European Collectors, with an appeal to the Governor; Criminal Law by Muhammadan Judges,[4] with an appeal to a Muhammadan Judge at Calcutta subject to the general control of the Governor.[5] But with the arrival of the Supreme Court at Calcutta this Arcadian simplicity was rudely disturbed. "The authors of the Regulating Act of 1773[6] had established two independent powers, the one judicial, the other political; and, with a carelessness scandalously common in English legislation, had omitted to define the limits of either. The judges took advantage of the indistinctness, and attempted to draw to themselves supreme authority, not only within Calcutta, but through the

[1] Swift, *Gulliver's Travels*, IV, 5.
[2] *John o' London's Weekly*, March 15, 1924.
[3] *Maine*, 45.
[4] *Qazi;* pp. 92 note 6, 179 n. 4.
[5] *Innes*, 191.
[6] p. 144.

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whole of the great territory subject to the presidency of Fort William.[1] . . A reign of terror began, of terror heightened by mystery; for even that which was endured was less horrible than that which was anticipated. No man knew what was next to be expected from this strange tribunal. It came from beyond the black water, as the people of India, with mysterious horror, call the sea. It consisted of judges not one of whom was familiar with the usages of the millions over whom they claimed boundless authority. Its records were kept in unknown characters; its sentences were pronounced in unknown sounds. It had already collected round itself an army of the worst part of the native population, informers, and false witnesses, and common barrators, and agents of chicane, and, above all, a banditti of bailiffs' followers, compared with whom the retainers of the worst English spunging-houses, in the worst times, might be considered as upright and tender-hearted. Many natives, highly considered among their countrymen, were seized, hurried up to Calcutta, flung into the common gaol, not for any crime even imputed, not for any debt that had been proved, but merely as a precaution till their cause should come to trial. There were instances in which men of the most venerable dignity, persecuted without a cause by extortioners, died of rage and shame in the gripe of the vile alguazils of Impey.[2] The harems of noble Muhammadans, sanctuaries respected in the East by Governments which respected nothing else, were burst open by gangs of bailiffs. The Mussalmans, braver and less accustomed to submission than the Hindus, sometimes stood on their defence; and there were instances in which they shed their blood in the doorway, while defending, sword in hand, the sacred apartments of their women. Nay, it seemed as if even the faint-hearted Bengalee . . . would at length find courage in despair. No Mahratta invasion had ever spread through the province such dismay as this inroad of English lawyers. All the injustice of former oppressors, Asiatic and European, appeared as a blessing when compared with the justice of the Supreme Court. Every class of the population, English and native, with the exception of the ravenous pettifoggers who fattened

[1] i.e., the Bengal Presidency, Fort William being the original English fort, round which the town of Calcutta grew.

[2] Sir Elijah Impey, the Chief Justice of the Supreme Court.

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on the misery and terror of an immense community, cried out loudly against this fearful oppression. But the judges were immovable. If a bailiff was resisted, they ordered the soldiers to be called out. If a servant of the Company, in conformity with the orders of the Government, withstood the miserable catchpoles who, with Impey's writs in their hands, exceeded the insolence and rapacity of gang-robbers, he was flung into prison for a contempt. . . The members of the Government were, on this subject, united as one man. Hastings had courted the judges; he had found them useful instruments. But he was not disposed to make them his own masters, or the masters of India. His mind was large; his knowledge of the native character most accurate. He saw that the system pursued by the Supreme Court was degrading to the Government and ruinous to the people; and he resolved to oppose it manfully. . . The Government placed itself firmly between the tyrannical tribunal and the people. The Chief Justice proceeded to the wildest excesses. The Governor-General and all the members of Council were served with writs, calling on them to appear before the King's Justice, and to answer for their public acts. This was too much. Hastings, with just scorn, refused to obey the call, set at liberty the persons wrongfully detained by the Court, and took measures for resisting the outrageous proceedings of the Sheriffs' officers, if necessary, by the sword. But he had in view another device which might prevent the necessity of an appeal to arms. He was seldom at a loss for an expedient; and he knew Impey well. The expedient, in this case, was a very simple one, neither more nor less than a bribe. Impey was, by act of parliament a judge, independent of the Government of Bengal, and entitled to a salary of eight thousand[1] a year. Hastings proposed to make him also a judge in the Company's service, removable at the pleasure of the Government of Bengal; and to give him, in that capacity, about eight thousand a year more. It was understood that, in consideration of this new salary, Impey would desist from urging the high pretensions of his Court. If he did urge these pretensions, the Government could, at a moment's notice, eject him from the new place which had been created for him. The bargain was struck; Bengal was saved; an appeal to

[1] Equivalent to at least £25,000 of modern money.

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force was averted; and the Chief Justice was rich, quiet, and infamous."[1]

The new legal mystery and its initiates.

The first epidemic outbreak of a disease is generally the most virulent, and the ravages of the English legal bacillus never again devastated India so effectively as under Chief Justice Sir Elijah Impey. Gradually the distemper assumed an endemic form whose wasting effects more resembled those produced by malarial fever than the more terrifying symptoms of cholera or plague. The technicalities of English Chancery procedure sprouted into a dense jungle growth on their introduction to the tropical atmosphere of multifarious Indian custom. Nor did the new cult long lack suitable hierophants. The subtle Brahmin intellect, which had successfully swallowed and digested the primitive Dravidian rites and Buddhist doctrines,[2] and had (under Akbar) very nearly absorbed the uncompromising spirit of Islam,[3] was admirably adapted to the propagation of the new ritual. The ascendancy of the Brahmins had always been based on their knowledge of religious rites unknown to the vulgar. It only remained for them to master this new ceremonial in order to attain their age-long objective, power without responsibility. This done they acquired an authority that they had never ventured to exercise under the Mauryas or the Rajputs. For in those days the Brahmin minister of the most pious Hindu monarch had to render some account of his actions to the ruler; while now once the caste-bound Hindu had mastered the principles of the new legal system, the courts of justice were his instruments, and the people his prey; his power continually growing as the judiciary waxed stronger and stronger and the executive weaker and weaker.[4] The introduction of this system into the North-Western Province led to grave social evils. "It was thought that the decisions of individual right might be left to the operation of the ordinary courts of justice, where every person who considered himself aggrieved could claim of right a hearing of his case. It was thought that all wrongs, whether directly from acts of aggression, or indirectly from the operation of the fiscal laws,

[1] Macaulay, Essay on Warren Hastings. It should be remembered that Macaulay was a strong Whig, and very favourable to the legal profession. *Hastings*, 114-5; *Innes*, 113; *Lyall*, 154-5; *Maine*, 36-8.

[2] pp. 54-6. [3] p. 111.

[4] *L.S.B.I.*, vol. I, 666-7; *Holderness*, 178; *Innes*, 192.

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might thus be always redressed. Experience, however, proved the contrary."[1] The judges understood only their own rules, and had no leisure or opportunity to study the old institutions of the country. "Injustice and confusion necessarily ensued. Designing men usurped rights which did not belong to them, and blunders of all possible kinds were committed by those who ought to have protected the rights of the weaker parties. In such confusion litigation increased and arrears necessarily accumulated till the whole machinery of the judicial administration was choked, and it became necessary to take active measures in order to prevent the further spread of the evil."[2] The remedy devised recalled the method by which the Roman prætors evaded the antiquated rules of the Jus Civile by the development of the progressive Jus Gentium. To reform the Civil Courts appeared hopeless, to leave land cases with them would ruin the country, the only solution was to create an entirely new system of Revenue Courts with a simplified procedure administered by executive officers, who alone were in a position to understand properly disputes as to rights in land.[3]

The doctrinaire religion.

The lawyer was the agent in carrying out the scheme whereby the Whig oligarchs imposed on England "a Parliamentary Monarchy which made Government detested, and a Parliamentary Church which made religion disbelieved".[4] The political philosopher and the political economist wrote the Whig apology.[5] Thus was evolved the doctrine of *laissez-faire*, which laid down the principle that the State should interfere as little as possible in the economic and social relations of the individuals which composed it. The ring being kept clear by the State for the unrestricted competition of its citizens, it was obvious that the rich and powerful Whig landowners and merchants would be able to exploit the mass of the population unhindered.[6] An important corollary of this doctrine idealised contract as a necessary basis of all relations between individuals. This was one example.

[1] *Barkley, C.*, 211. [2] *Barkley, C.*, 212.

[3] *Barkley: Introduction* 16, *C.*, 211-12. This is an abstract of what happened. A detailed history of the Revenue and Civil Courts of Bengal and the North-Western Provinces would exceed the scope of this work.

[4] Disraeli, *Coningsby;* Carthill, 65-7.

[5] *The Economic Journal.* (Sept., 1926), 451.

[6] J. M. Keynes: *The End of Laissez-Faire* (Hogarth Press).

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of the unintentional or deliberate tendency of the Whig doctrinaires to confuse the science of economics, which records economic facts, with the art of political economy, which indicates the economic conditions which it itself considers desirable. It was an economic fact of eighteenth century England that the individual was replacing the family and the village community as an economic unit, and that this process was being accelerated by the action of Whig landlords in enclosing the village common lands. Thus the rights and duties of individuals became based on contract instead of status. Now though this was true it did not follow that it was desirable, especially when no steps were taken to supply some substitute for the protection of the poor against the oppression of the rich which had previously been supplied by the King, the Church, and the village community (as represented in England by the Lord of the Manor). The results in practice were only too clearly demonstrated in deserted villages and urban slums. Still more baseless was the assumption that the unrestricted enforcement of contract was desirable in a country so different from modern England as India.[1] Transferred to India the doctrines of no State interference and the sanctity of contract became articles of faith, which (like Euclid's axioms) neither required nor were capable of proof. If a Deputy Commissioner wished to help a starving village, or to prevent the alienation of the small peasants' holdings to the money-lender, he was told that this was contrary to the general principles of political economy, that free trade in land was necessarily good for freemen, " and that the replacement of an owner who has shown himself to be thriftless and incompetent by one with superior intelligence and greater command of capital cannot be other than beneficial".[2] State interference with the freedom of the individual to starve or to lose the land, which was his sole source of livelihood, was also condemned as an artificial interference with the struggle for existence which must necessarily end in the survival of the fittest; a biological argument involving the same fallacy as the economic doctrine of *laissez-faire*. Darwin had shown that, as a biological fact, survival of species was according to law, and that those survived which were fittest to survive under the particular

[1] *Ancient Law*, 168-70, 304, 310-12; *Adam Smith*, 1-9.
[2] *Memorandum*, 49.

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conditions then obtaining, but not necessarily under any conditions, still less under the artificial conditions created by man. That the doctrine of *laissez-faire* should have been welcomed by the Brahminised Hindu was not surprising, as it tended to prevent executive interference with the exploitation of the masses which the law facilitated. But that it should have received the unquestioning acceptance of capable British officials is perhaps only to be explained by the fundamental human longing for a religion of some kind. Under the Whigs the Church of England had degenerated into a perfunctory State religion, and churches were only built in the Punjab owing to the doubt expressed by a wild Afghan trooper as to whether the English had any religion.[1] A God they apparently had. His name was Political Economy,[2] and his commands were unquestionably obeyed for a time, protesting heretics being ruthlessly suppressed. To attack the doctrinaire religion openly was to invite political suicide, but later sceptics chose a more cunning course. Having acknowledged their fealty to the "law so ably expounded by the English economists"[3] they proceeded to question the application of those laws. Once discussion was admitted, the laws were doomed, and by 1890 the doctrinaire religion had reached the position of the State religion of Rome under Julius Cæsar; still indeed officially recognised by most, but sincerely believed in by none.[4]

Pre-British legal systems in the Punjab.

The Punjab social system to which the English were to apply this abracadabra of bad jurisprudence and worse political economy was itself a very simple one. The villages still followed their old tribal custom administered by committees of elders.[5] The caste-bound Hindus of the towns followed the Hindu law evolved by and administered by the Brahminised caste committees.[6] Urban Muhammadans followed the law of Islam[7] as expounded by its doctors.[8] The rigidity of custom was modified by

[1] *Thorburn, P.P.W.*, 185.

[2] i.e., the fallacious art of Political Economy as expounded by the doctrinaires, which should be carefully distinguished from the science of economics, based on the accurate observation of economic facts. cf. Keynes: *The End of Laissez Faire*, 25-6 (The Hogarth Press). The whole of this admirable essay should be read in this connection.

[3] *L.A.M.*, 11.

[4] *Memorandum*, 49, 62; *Selections*, 60; *Ancient Law*, 305; *L.A.M.*, 7-11, 614; *O'Dwyer*, 38; *Calvert*, 126. [5] p. 26.

[6] p. 64. [7] p. 105. [8] *Qazi*, pp. 92 n. 6, 179, n. 4, 289 n. 8.

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general willingness to defer to the superior knowledge of religious or intellectual leaders and the admission that in the last resort, what the sovereign commands, is custom.[1] Under Chandragupta Maurya[2] the happy Hindu made no written contracts, and had no written laws. Yet there was little litigation, legal cases being decided according to immemorial custom by the local Committee of Elders in the villages and caste committees in the towns.[3] Under the Moguls criminal and civil jurisdiction was exercised by the revenue staff in the country and by the Executive Officers in the towns. These, however, generally left the committees to manage their own affairs except in cases which were likely to affect the administration.[4] The Sikh administration of justice interfered less with the local committees, but was otherwise on the lines followed by the Moguls ;[5] and the same system was observed in all feudatory Native States which had not been persuaded to introduce English legal methods.[6]

The Punjab Civil Code.

Dalhousie fully recognised the importance "of upholding 'native institutions and practices as far as they are consistent with the distribution of justice to all classes', of maintaining village communities in all their integrity, and of improving and consolidating popular institutions".[7] Under the Board of Administration "the Commissioners were Superintendents of revenue and police, and exercised the civil appellate and the original criminal powers of Sessions Judges. The Deputy Commissioners were given subordinate civil, criminal and fiscal powers, combining in one person the different aspects of the administration, and thereby much increasing its vigour."[8] "Whilst the Board was maturing civil, criminal, and revenue rules of general application, each Deputy Commissioner, a little king within his own domain, subject to loosely defined limitations, had a free hand in shaping customs as to land tenures." Hitherto the strong man armed, whether community or individual, had acted as he listed, hence practices were in such a fluid state that, in most districts, the customary law was shaped and fixed in its original form in accordance with the views of right

[1] *Maine*, 9, 25, 67-8. [2] p. 48.

[3] Rawlinson: *Intercourse between India and the Western World* (Cambridge University Press).

[4] p. 117. [5] pp. 178-9. [6] *Maine*, 71.

[7] *Selections*, 60; *S.M.*, 560. [8] *P.A.R.*, 24.

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and expediency of their earliest Deputy Commissioners and Settlement Officers. " In the making of the laws generally, for which the Board was responsible, the Province was fortunate in the fact that no professional lawyers had a share."[1] The proposed objects of the Board were " that substantial justice should be plainly dealt out to a simple people, unused to the intricacies of legal proceedings. Their aim was to avoid all technicality, circumlocution, and obscurity, to simplify and abridge every rule, procedure, and process. They endeavoured to form tribunals which would not be hedged in with forms unintelligible to the vulgar, and only to be interpreted by professional lawyers, but which would be open and accessible courts of justice, where every man pleading his own cause and confronted face to face with his opponents, might prosecute his own claim or conduct his own defence."[2] In order to maintain the position of the village committees of elders, " Judges were instructed to encourage litigants to refer the issues between them to arbitrators chosen for the purpose, the power of giving effect to or varying the award being retained by the Court. Until some years after the Mutiny the system served its purpose admirably. Afterwards as the grip of the law became firmer, first village committees of elders—in other words, the voice of public opinion, ceased to have authority, and next references to arbitration in law suits fell into disrepute."[3] The Board itself recognised the unfortunate effect of the new tendencies remarking " that they could hardly consider that civil justice had advanced as satisfactorily as the other branches of the administration. Indeed they were not sure that it would ever be successful. There was no part of the British system so difficult to popularise."[4] Accordingly those rules which had already been current in the previously annexed Sutlej divisions were extended to the civil courts throughout the Province after annexation, as they were calculated to ensure substantial justice unfettered by technicalities. In criminal law the code adopted during the Residency period[5] was maintained. But in order to temper the autocratic power of Deputy Commissioners " and secure reasonable uniformity in the dispensation of civil justice, a collection of rules, which soon acquired the name of the ' Punjab Civil Code ', was prepared

[1] *Thorburn, P.P.W.*, 166-7. [2] *Thorburn, P.P.W.*, 169.
[3] *Thorburn, P.P.W.*, 166-7. [4] *P.A.R.* (1849-50). [5] pp. 208-9.

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in 1853 and circulated as a manual for information and guidance. Being lucid, simple, and suited to the circumstances of the people, the Code soon acquired the force of law. In rural tracts it answered its purpose admirably", though it failed to cover all the legal complexities arising from business transactions in expanding commercial centres.[1] "We have" (stated John Lawrence in 1856) "the most open and liberal provisions for the admission of evidence. We have complete arrangements for reference to arbitration and for the ascertainment of local custom. We have a procedure without any pretension to exactitude; but a procedure which provides for the litigants and their respective witnesses being confronted in open court, for a decision being arrived at immediately, and for judgment being delivered to the parties then and there."[2] Suits for landed property were dealt with by Revenue Courts, i.e. Revenue Officers acting in a judicial instead of an executive capacity.[3]

Introduction of the English legal system.

Previous to 1861 the power of legislation lay with the Punjab Government. "The orders, instructions, circulars, and rules for the guidance of officers which it constantly issued were, to a certain extent, essentially of a legislative character, but then they were scarcely ever in a legislative form. It is not matter of surprise that this should have been so, for the authority prescribing the rule immediately modified or explained it, if it gave rise to any inconvenience, or was found to be ambiguous. But the system (of which the legality had long been doubted) was destroyed by the Indian Councils' Act."[4] After that Act no legislative power existed in India which was not derived from this Statute; but to prevent a wholesale cancellation of essentially legislative rules the force of law was given to all rules made previously for non-Regulation provinces by or under the authority of the Government of India, or of a Lieutenant-Governor. "By this provision an enormous and most miscellaneous mass of rules, clothed to a great extent in general and popular language was suddenly established as law, and invested with solidity and unchangeableness to a degree which its authors had never contemplated."[5] A fruitful field of legal activity was thus provided for the Chief Court which was in 1866 substituted for

[1] *P.A.R.*, 95; *Thorburn, M.M.*, 116.
[2] *Thorburn, P.P.W.*, 168.
[3] p. 287; *L.A.M.*, 792.
[4] *Maine*, 391-2.
[5] *P.A.R.*, 143; *Maine*, 391-2; *S.M.*, 562.

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the Judicial Commissioner who had previously supervised judicial affairs in the Punjab. "It was constituted the final appellate authority in civil and criminal cases, with powers also of original criminal jurisdiction in cases where European British subjects were charged with serious offences, and of original civil jurisdiction in special cases."[1] In the same year the regulation Code of Civil Procedure was extended to the Province, and lawyers were permitted to plead in all courts.[2] The assimilation of the Punjab to the regulation pattern of law-ridden Provinces, like Bengal and the North-Western Provinces, was then forced on by the Legislative Department of the Government of India with hot-house celerity. "Justice, equity, and good conscience, the old desiderata by which the soundness of a judgment was measured by an appellate court, were no longer guides to a right decision. Their place was usurped by Regulations, Acts, Sections, Clauses, and the latest Rulings of that object of the poor man's dread and the District Officer's sarcasm—the Chief Court." The new legal system thus introduced greatly strengthened "the disposition to look on unlimited power of transfer as an essential feature of proprietary right and a necessity of economic progress".[3] The number of transfers of land rapidly increased, and the unsuitability of the new law and civil court procedure to the conditions and circumstances of the poor agriculturists was a serious cause of unpopularity to the British Administration.[4] An old Punjab official, whose shrewd commonsense had earned his promotion to the Lieutenant-Governorship of Bengal,[5] was of opinion that the predominance of lawyers all over the country was a very serious and growing evil, and that if ever the country became too hot to hold the English, it would be the lawyers that had done it. "The Senior Judge of the Punjab, a broadminded English lawyer, was strongly of opinion that the courts were becoming a burden and a disaster to the people of the Punjab."[6] The Punjab Government itself was of the same opinion and repeatedly though vainly protested against innovations which were rapidly impoverishing the countryside.[7] Some elasticity was indeed allowed in the frontier districts and the remote mountain canton of Kulu,

[1] *P.A.R.*, 97.
[2] *Thorburn, P.P.W.*, 23; *Darling*, 205; *Maine*, 395; *Calvert*, 123.
[3] *L.A.M.*, 9. [4] *Selections*, 61-2. [5] Sir George Campbell.
[6] *Thorburn, M.M.*, 118. [7] *Selections*, 59.

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which were declared territories for which special regulations might be made other than Acts of the Legislature.[1] Advantage was taken of this to retain some of their original powers for the Frontier committees of elders.[2] But on the whole the state of things was such as to disappoint the hopes of the early administrators of the Province. The old plan of administration had been entirely reversed. The Punjab, whose efficient administration had saved India during the Mutiny, was fast sinking to the level of the rest of the law-ridden sub-Continent.[3] "With the passing of the Punjab Laws Act of 1872, the Punjab Civil Code ceased to have any binding force. But that Act at the same time declared that 'in questions regarding inheritance, special property of females, betrothal, marriage, dower, adoption, guardianship, minority, bastardy, family relations, wills, legacies, gifts, partitions, or any religious usage or institution, the (primary) rule of decision' should be 'any custom of any body or class of persons, which is not contrary to justice, equity, and good conscience and has not been declared to be void by any competent authority'."[4] "In 1874-75 regular Civil Courts were established which took over from District Officers and their staffs the settlement of suits for debts against agriculturists."[5] "Their establishment was regarded by the commercial classes as a further step in the promotion of their interests, by the rural masses as additional evidence of the ascendancy of the rule of the money-lenders." The common belief was strengthened by the facts that the subordinate judicial staff was drawn from the trading and ministerial classes of the towns, that they were located—as was, of course, reasonable—wherever money-lenders congregated, and had—as was natural—little intercourse except with men of their own caste. Then, too, as they were bound to hear and decide actions in accordance with the provisions of the Civil Procedure Code, Evidence, Contract, and other Acts, their local ignorance and unfamiliarity with village life generally lent point to the common sneer that a bond and a witness, however worthless, secured a decree. Thus, the new debt-registering and collecting agency was hated by the people, and gave a further impetus to petty litigation. Within a decade the number of suits disposed of in the year rose to

[1] *P.A.R.*, 142. [2] *Jirga.*
[3] Sir George Campbell, quoted in *Thorburn, M.M.*, 117.
[4] *S.M.*, 562; *Gazetteer*, 102. [5] *P.A.R.*, 95.

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over a quarter of a million, so that in that year alone on the average each wider kindred[1] had a civil suit, "a carnival of litigation remunerative to Government and the pleaders but ruinous to the peasantry".[2]

Over-legislation.

Matters had, in fact, begun to move in a vicious circle. Even in such a relatively homogeneous and advanced area as the (then) United Kingdom[3] it was found impossible to apply exactly the English administrative and legal systems to Wales, Scotland and Ireland. And the contrast between the eastern and western Punjab far exceeded that between East Anglia and Connaught. At first, indeed, so much was left to the discretion of the Deputy Commissioner that he was able to adjust the machinery of Government to the special circumstances of his district. But with the introduction of regular Courts and trained lawyers this delicate adjustment became impossible. Every administrative act was questioned that could not be shown to be in accordance with some Act of the Legislature; and the Indian Councils Act,[4] the Punjab Laws Act,[5] and the first Forest,[6] Land Revenue[7] and Tenancy[8] Acts represent the attempt to prevent the complete paralysis of the administration under the new conditions. In these Procrustean beds administrators were now compelled to lie, the interpretation of the Acts being left to Courts, which had little knowledge of the circumstances to which the Act applied, and were prevented by the very essence of their being from paying other than incidental regard to considerations of expediency.[9] When an Act was found quite unworkable (as in the case of the first Forest Act)[10] recourse was had to further legislation, soon itself to be overlaid with a mass of interpretations, conveyed in the rulings of the Courts. In some cases elasticity was obtained by conferring on subordinate authorities the power of making rules under the Act. This admirable procedure, which to a certain extent provided for the exercise of discretionary authority

[1] p. 24.

[2] *Thorburn, P.P.W.*, 238-9. Cf. *Darling*, 205; *Calvert*, 124.

[3] Of Great Britain and Ireland; united till 1921. Economically the English Civil War may be regarded as the revolt of Northumbria, Wales and Cornwall against a system of administration run in the interests of lawyers and financiers in London. Centralised administration only became tolerable in England and Wales after the development of communications in the eighteenth century.

[4] p. 292. [5] p. 294. [6] p. 243. [7] p. 263. [8] p. 254.

[9] *Maine*, 394. [10] p. 243.

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under a legal form, might have been more widely used with advantage. As a matter of fact, however, it did little to temper the rigidity of the legal system, which was only rendered workable by the scant heed paid by many Deputy Commissioners to legal rules. Even these bolder spirits were, however, gradually restrained, till a dull soulless uniformity settled on the whole administration, earning for those who conducted it the nickname of sun-dried bureaucrats.[1] Of the enactments enforced in the Punjab "those connected with revenue, excise, rent, tenant-right, forests, village officers, and the like, having been gradually evolved to meet local circumstances and being chiefly rules and practices already in force compressed into codified forms, either supplied a real want or had some *raison d'être;* moreover, having been first worked out and rough-drafted by the provincial revenue-executive department, to which jurisdiction under them was confined, their working" was generally simple, smooth and inexpensive, hence lawyers, when permitted to plead, seldom made use of the privilege. "Such was not the case in the vast field of economic and social relations, over disputes in which the Chief Court and subordinate judiciary exercised exclusive jurisdiction. Throughout that field the laws in force were conceived, shaped, and carried through Council by English lawyers ignorant of India. As a consequence, successive legal members of Council treated India, with her diverse nationalities and conditions, as if the whole continent were inhabited by a homogeneous and highly educated commercial people, all anxious that their inter-relations should be regulated by uniform up-to-date Western laws." Under these conditions India was deluged "with a steady flow of intricate, technical, and sometimes even mischievous Acts, the want of which had never been felt, and the meaning of many of the provisions of which was a frequent subject of remunerative dispute to those who lived by the law. Hardly any such Act, passed between 1870-1884, was comprehensible to laymen." Until the introduction of what Lord Curzon described as the "complex paraphernalia of the Chief Court", every peasant was competent to conduct his legal affairs himself without recourse to

[1] *Maine*, 394-7. The nickname was a particularly inappropriate one, as the unsympathetic official was not the one who got sun-dried riding through his district; but rather the one who, peering at life from behind the dusty files and musty tomes of his office, hardly ever saw the sun.

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the assistance of that intellectual mercenary—the lawyer.[1] This was no longer possible after the passing of the Specific Relief and Easements Acts which permitted the interference of the Civil Courts in the social life of India in forms and language devised for the entirely different society of eighteenth century England. Under the Easements Act, a villager who found the familiar pathway closed to his ancestral field, could sue the "dominant owner for a release of the servient heritage" under Chapters IV and V of the Easements Act. Even in English the words were hardly intelligible, and translation into any vernacular was clearly impossible, so a man who wished to fight and meant to win must perforce put his case into the hands of a lawyer with the ultimate result of having to mortgage land to meet his law expenses. A man of simpler tastes would remove the obstruction, hazarding an assault or riot, with consequent complications, all involving expenditure.[2] Bentham, the English utilitarian philosopher, had propounded the theory that all legislation is an evil, only warrantable when the legislator is assured of the existence of a greater evil capable of correction, and that his legislation will correct it. Tried by his standard, full warrant might be found for the Penal and Procedure Codes, the Evidence and Stamp Acts, and for other enactments of the same class, as also for special enactments designed for local or temporary objects. Of an entirely different character were measures like the Specific Relief and Easements Acts, which defined or created new rights and penalties, where no evil existed to be remedied, and where there was no pretence that the measure would remedy it, if it had existed.[3] "The gradual return of the Government of India to sober-mindedness was the result of a combination of causes,—the exhaustion of raw material; the insistence of district officers, and to a small extent of unofficial English opinion, that the growing evils in the body politic were largely due to excessive and unsuitable legislation; and, latterly, the wise relegation of parochial subjects to the newly created provincial legislative councils. So long as the Indian masses were alone the *corpus vile*, the torrent of new enactments attracted little notice; but as soon as the comparatively wealthy classes, and particularly the small

[1] *Thorburn, P.P.W.*, 244-5; *Selections*, 60; *Thorburn, M.M.*, 118.
[2] *Thorburn, M.M.*, 119, 184-6; *Thorburn, P.P.W.*, 246-7.
[3] *Thorburn, M.M.*, 189.

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European community, became directly affected, the proceedings of the Government began to be subjected to scrutiny, and legislation likely to cause change or induce litigation was condemned. Probably but for the public clamour against the 'Masters and Servants Bill' (1877) and the 'Ilbert Bill' (1883), the legislative activity of the Government would have continued without a break until every conceivable cause of possible disagreement in the daily life of the people had been defined, classified, and its disposal regulated by law."[1]

The "nice, sharp, quillets of the law".

The atmosphere of unreality which was introduced into juridical relations by these exotic Acts was exaggerated in the lower courts. Conscious of his inability to understand them, the amateur Judge, whose work was still often mainly executive, endeavoured to elaborate something which bore a faint resemblance to a professional judgment, hoping thus to impress his superiors with a sense of his legal capacity. The professional Bar, more versed in technicalities than the amateur Bench, was generally in a position to browbeat the titular Judge. Cases were generally regarded not as enquiries into matters of fact or even of law, but as battles between renowned champions of the Bar, the position of the Judge resembling that of the *roi fainéant* Henry VI when witnessing the contests between York and Gloucester, himself nominally supreme but practically impotent. Such being the general impression, there was no limit to the sum which it was worth while to pay to one of these redoubtable mercenaries for any one who wished to escape a hanging or to ruin an enemy.[2] Such a notable victory was gained when the "Chief Court, on the revision side, quashed a decision arrived at after lengthy and costly proceedings, on the technical ground that as the officer giving the decision had signed himself 'Magistrate of the District', instead of 'Deputy Commissioner', he had acted *ultra vires*."[3] Many Judges, however, aghast at the costly protraction of litigation and the juridical chaos produced by succumbing to legal technicalities of this nature, revolted against the dictatorship of the Bar. Such men rode roughshod over lawyers' quibbles, deciding their cases on the real merits in judgments remarkable for blunt common sense, and

[1] *Thorburn, P.P.W.*, 244.
[2] *Thorburn, M.M.*, 187.
[3] *Thorburn, M.M.*, 122; *Thorburn, P.P.W.*, 249.

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the omission of vexatious references to Acts, Sections, or Rulings. If their judgments reached the Chief Court on appeal or revision, that Court generally strove to uphold the lower Court's decision. But being bound to interpret the law as it was, its innate common sense cramped by the arguments of watchful pleaders, that Court was often reduced to the necessity of justifying its conclusions on technical grounds, setting aside the clear direction of the law by special pleading. It was "not however on every occasion that the Chief Court allowed its judgments and instructions to be governed by a healthy sympathy for what was reasonable or desirable. In the case of Barrister-Judges, who had themselves practised at the Bar, the instincts of the old Advocate sometimes operated to cause the evolution of subtle distinctions which, becoming rulings, were often productive of far-reaching consequence of evil",[1] when the law as declared was contrary to previous practice, custom, or popular sentiment.[2] The system gave birth to an annually increasing number of low class legal practitioners, a large number of whom were legal quacks, battening on the credulity of foolish litigants, and impeding, rather than assisting, the administration of justice.[3] "To have to enter a Court as a principal in a civil case was a real misfortune for a Punjab peasant. It was an education in evil." However honest and unsophisticated he might have been when he first breathed the contaminating atmosphere of the Law, by the time his case was over, he had tasted the fruit of the tree of knowledge and was a fallen man. On entering the precincts of the Court, he soon became bewildered by the perversions his simple plaint or reply underwent when reduced to writing by a petition-writer, who would either personally coach him in the mysteries of false evidence or hand him over to the still more demoralising suggestions of the judicial tout. This latter class of practitioner either did business on his own account by coaching witnesses or explaining the "law" to litigants, or else acted as a jackal to inferior pleaders.[4] Even if a winner, the litigant was often eventually ruined, the lawyer seeing to it that little of the sum, decreed him by the Court, ever actually reached his pocket. Litigation was, in fact, a potent means for the impoverishment of the

[1] *Thorburn, M.M.*, 119-20, 191-5. [2] *Thorburn, P.P.W.*, 248.
[3] *Thorburn, M.M.*, 134. [4] *Thorburn, M.M.*, 134.

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agricultural classes for the benefit of the (mainly Hindu) urban *literati*, and a frequent cause of indebtedness.[1]

The Executive and the Judicial.

The doctrinaire system which pervaded the Law Courts, was not entirely without influence over the executive, being especially powerful in the Secretariat. Staffed mainly by brainy men, selected early in their service for a life of comparative ease in Lahore and Simla, despising the dust and heat of district life, the Secretariat became a fitting seedbed for the doctrinaire exotic. Basing their arguments on the doctrines of *laissez-faire*, the economic man, the survival of the fittest, the sanctity of contract, and the inherent right of every free man to be free to alienate his land, the Secretary was clever enough to confute the illogical rejoinders of protesting Deputy Commissioners every time. Men were, or should be (he argued) economic men, competing with each other for things that had a cash value. Religious faith, family honour, *esprit de corps*, and other similar relics of a barbaric past would no doubt gradually disappear through education and progress. The nearest approach to this economic ideal was to be found in the urban Hindu, whose single-minded pursuit of monetary values led him far under the new system. The peasant was more conservative. But there was nevertheless to be found in each village a number of economic men sufficient to break the old prestige of the committees of elders and to resolve the organic unity of the village community into that confused medley of warring atoms so beloved of the doctrinaire. Primitive custom had taught the peasant the wickedness of lying to his fellow-villagers, but enlightened self-interest now discovered that a truthful case had no chance of success in Court. Judges of a later day who, compassed about with a cloud of false witnesses, complained bitterly of the lack of public spirit shown in the Law Courts, did not always realise that this was a direct result of the doctrinaire teachings of the nineteenth century. It was the system, not individuals that were to blame. The lawyer who, having taken a large fee from his client, deliberately delayed the case in order to extract more fees, was merely an economic man aiming at the acquisition of wealth, by methods of enlightened self-interest. The Judge, who disregarded common sense on technical grounds, or who overrode the law in the interests of justice by special pleading,

[1] *Thorburn, M.M.*, 130-1 ; *Darling*, 76-8.

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was only trying to make the best of a barbaric legal system, preserved in England by Whig politicians for political ends and then transplanted to entirely alien surroundings at the other end of the globe. When the Romans became an imperial people they discarded the primitive Jus Civile, and in the Jus Gentium devised a jurisprudence based on scientific principles. The same broad philosophy underlay the law of Islam and the *Code Napoléon*. England, alone of all great empires, failed to evolve a system of law adequate to her great responsibilities. The reason for this lay in the pre-eminently judge-made character of English law.[1] No other science could exist for a moment whose power of definition was limited to adjudication on specific instances. How could algebra progress if mathematicians could only define a perfect cube by isolated rulings on particular numbers? And the difficulties would be even greater in the less exact sciences of Physics, Chemistry or Biology. Yet in the science of juridical relations, whose aspects are as multifarious as those of sociology, English legal theory could only arrive at a classification by attempting to extract general principles from the decisions reached on the small number of points which happened to have arisen through the differences of opinion of quarrelsome people. The application of the finest brains of the country to the solution of these acrostics had nevertheless left litigation dilatory, futile, and expensive. The legal profession had become a theocracy, which like the Pharisees of the first century, had made justice "of no effect through their tradition". "The sabbath was made for man and not man for the sabbath." "Judges ought above all to remember the conclusion of the Roman Twelve Tables; *Salus populi suprema lex*;[2] and to know that laws, except they be in order to that end, are but things captious, and oracles not well inspired."[3] Institutions are only justified in so far as they subserve the public welfare. But powerful organisations are exceedingly loth to reform themselves. It requires the explosive force of the moral reformer, or the strong hand of the firm ruler, Christ or Cæsar, to compel them to co-ordinate their activities to the common weal. Thus the Roman Emperors directed the jurisprudent

[1] *Vinogradoff*, 168.

[2] "The public welfare is the highest law." Quoted in Cicero. De Legibus III, iii. 8.

[3] Bacon: Essay lvi.

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to draw up that legal system which proved a model for all the Western nations except England. Thus under the Caliphs the skilled doctors of Muhammadan law[1] provided scientific jurisprudence for the great world of Islam. In France the legal profession as represented in the Parliament[2] of Paris, by refusing to register in its ridiculous "beds of justice", the reforms advocated by Louis XVI, drove that unhappy monarch to the guillotine to which many of the lawyers themselves so deservedly followed him. It required the master mind of the great Napoleon to rescue France from legal chaos through that Code of which he was prouder than of all his victories. The similar attempt made by the Stuarts in England failed through the weakness of those unhappy Kings, and the astute alliance of the lawyers with the seditious agitators of the period,[3] ensured the domination of the legal profession, not only in England, but in all other countries which borrowed the English legal system.

Punjab Customary Law.

In the Punjab, the English legal system was seen at its worst in its interpretation of the local customary law. Even in the more Brahminised provinces large bodies of indigenous custom had grown up independently of the codified law as expounded in Manu[4] and commentators.[5] In the pre-British Punjab, custom prevailed in agricultural areas, Hindu and Muhammadan codified law being only followed in the towns; and the Punjab Laws Act definitely laid down that in social relations the binding rule of decision should be custom.[6] What the custom actually might be was left to the courts to determine. The underlying principles of tribal custom were simple enough. Succession to hereditary property followed the agnatic rule within the wider kindred, but in default of agnates within the wider kindred anyone with a show of right, e.g. a daughter, a niece or an adopted son might inherit. Provision was also made for the maintenance of helpless dependents, such as widows, children, and unmarried daughters.[7] There were slight local or tribal modifications due to the influence of the religious codes or local customs, e.g. Muhammadans tended to favour daughters and Hindus adopted sons.

[1] Abu Hanifa, Malik Ibn Aus, Shafei and Ibn Hanbal.

[2] Parliament=Talking-shop. In France it was the lawyers and not the politicians who talked.

[3] See *History of England* by G. M. Trevelyan (Longmans), p. 391.

[4] p. 64. [5] *Maine*, 20, 52. [6] p. 294. [7] pp. 13-14, 23-7.

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But generally speaking the custom was such that a Roman prætor, an imperial jurisprudent, a Muhammadan *qazi*[1] or one of Napoleon's legal commissioners would have found no difficulty in smoothing off the ragged edges and presenting the world with something which could be understood by an ordinary man of intelligence. But the Punjab Chief Court not only emphasised and exaggerated all the distinctions which already existed, but gave the sanctity of rulings to purely adventitious and fortuitous differences. "There is no doubt" (quoth one Judge) "a general tendency of the stronger to override the weak. In such cases the Court must be careful and refuse to uphold rights which have ceased to exist."[2] As a result chaos reigned supreme. A strong son-in-law armed with an unscrupulous counsel and a brazened batch of false witnesses might get a ruling that a daughter could succeed against near collaterals, and such a ruling might form a basis of further rulings encroaching on the agnatic principle. A further element of uncertainty was introduced by the susceptible personal equation of certain Judges who were known to favour daughters. Eventually it became as impossible to forecast whether the agnatic principle would, or would not, be followed in any particular case, as to predict the result of a horse race. A similar uncertainty grew up as to when tribal custom was to be followed instead of Hindu or Muhammadan law. In one instance a large estate[3] went to rack and ruin for nearly fifty years,[4] while the Chief Court were deciding whether its owners followed the Muhammadan law or agricultural custom, it not being worth anyone's while to keep the buildings in repair till the question of ownership was decided. The paralysing effects of the uncertainty incidental to English legal method had been pointed out a century earlier by the utilitarian Bentham. "On the question what the law

[1] Doctor of law. pp. 92 n. 6, 179 n. 4, 283 n. 4.

[2] *P.R.*, 54 of 1893. Quoted in Ellis's *Notes on Punjab Custom* (Lahore, Civil and Military Gazette Press).

[3] Kharkhauda, in the Rohtak district. The family, which dated from Mogul times, possessed many old historic buildings, all of which fell into ruins during this litigation. When Deputy Commissioner of Rohtak, I urged the parties to compromise, but they said "We shall not be satisfied till the question is settled. It is not we who are responsible for the delay, but your system of justice." The case is described in the Lahore *Civil and Military Gazette* of 10th November, 1921.

[4] From 1872 to 1921.

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is, so long as the rule of action is kept in the state of common, *alias* unwritten, *alias* imaginary law, authority is everything. The question is what on a given occasion A (the judge) is likely to think; wait till your fortune has been spent in the inquiry, and you will know; but forasmuch as it is naturally a man's wish to be able to give a guess as to what the result will eventually be, before he has spent his fortune, he applies, through the medium of B (an attorney) for an opinion to C (a counsel), who, considering what D (a former judge) has said or been supposed to say, deduces therefrom his guess as to what when the time comes, judge A, he thinks, will say."[1] The same vagueness is characteristic of most English law books, where the mass of information conveyed is so great that "frequently the wood cannot be seen for the trees".[2] Mystification is the peculiar characteristic of English law as distinguished from the legal systems of the Continent, which derived from the logical Roman system, are readily comprehensible to a man of ordinary intelligence.[3] But even in England efforts were made to limit the element of uncertainty as far as possible, it being recognised "that it is not only important to find the right solutions of legal problems, but also to keep to solutions once obtained in order not to confuse the public and the legal profession. Indeed it has been said with some exaggeration that in law certainty is more important than justice."[4] Thus in England before a custom could have validity it had to be shown to be both *certain* and *continuous;* and besides these elementary requirements, it must have had an *existence from immemorial times*.[5] But in the Punjab custom (as interpreted in the Courts) "need not necessarily be ancient or invariable." As the legal convictions of the community change, those changes "must from time to time be recognised and recorded in the courts".[6] No reliance could be placed on the Courts upholding previous rulings if false witnesses could prove that custom had changed. It was the method of the Casino rather than that of the Court of Justice.

Matrimonial Cases.

This uncertainty was particularly unfortunate in its application to the marriage relations of a people with tribal notions of family honour. "For thirty

[1] Bentham, VIII, 397.
[2] Lord Riddell in *John o' London's Weekly*, 15th March, 1924.
[3] *Maine*, 59-60. [4] *Vinogradoff*, 176-7. [5] *Vinogradoff*, 154.
[6] Ellis: *Notes on Punjab Custom*, (Lahore, Civil and Military Gazette Press), 5-6.

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years subsequent to annexation the rule of the Punjab Courts was, that, until consummation, the breach of marriage-contract between infants entered into by guardians entitled the aggrieved party to compensation only, as in the case of a breach of betrothal. In 1879 the legality of the practice was challenged and fought up to the Chief Court, which ruled on the *fiat lex ruat populus* principle, that an infant marriage was binding until lawful divorce by the husband on attaining his majority." This new departure was the cause of widespread demoralisation, as the following instance will show. " In 1876 a boy of ten was ' married ' to a young woman, who soon after induced her boy-husband's mother—his surviving guardian—to give her a divorce, whereupon the girl married her lover and had a family by him. In 1884 the original boy-husband, now a man, informed of the ruling of 1879, sued for restitution of conjugal rights, and obtained a decree. As the woman declined to live with him, he sought to execute his decree by imprisoning her for refusing, and charged her illegal husband, the father of her children, with adultery. In all his proceedings, the law was with him, both father and mother of the children had been guilty of adultery, and the children were bastards. Thus, by the ruling of 1879, not only was an approved practice of long standing upset, but confusion was created in family relations all over the province."[1] " Again in 1884 a young Muhammadan lady was married to a suitable husband, also a Muhammadan. A few months afterwards she verted to Christianity, and refused to live with her husband. The subordinate courts decreed him what is called restitution of conjugal rights, but the Chief Court ruled that as by verting she had *de facto* apostatised and quasi-blasphemed the Prophet, she had therefore ceased to be a wife from the day she had changed her faith. Comment on the absurdity of such a decision is hardly needed, especially when it is remembered that the Prophet licensed the marriages of the faithful with Jews and Christians, and that under the Muhammadan law blasphemers were put to death by stoning."[2] The consequences of a criminal ruling were even more disastrous to domestic relationships. " The Chief Court held that in cases of offences against married women, such as adultery and abduction, unless marriage were preliminarily admitted or

[1] *Thorburn, P.P.W.*, 248-9 ; *Thorburn, M.M.*, 121.
[2] *Thorburn, M.M.*, 120.

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proved, the charge could not be sustained. Thenceforth, as the accused, when sophisticated, or defended by a lawyer, invariably denied the fact of marriage, and proof, when possible was a costly and lengthy affair, aggrieved husbands, failing to obtain justice from the Courts, were forced to take the law into their own hands—a proceeding prolific in offences of violence, and at the root of a large percentage of the cases of murder, arson and other mischief in the Province."[1]

Records of custom prepared by revenue authorities.

In the meantime the revenue authorities made a partially successful attempt to straighten out the muddle by preparing records of local and tribal custom. These had been started in 1864 by Prinsep who " also requested his Settlement Officers to draw up tahsil records embodying the *lex loci* on certain important matters connected with agriculture, such, for example, as the planting and cutting of trees and the rights and privileges of new cultivators." His object was two-fold, to lighten the settlement record by setting forth finally for whole tribes and for wide tracts of country customs which had hitherto been entered in the record for each estate, and to collect information which would be of use to the Courts in the administration of justice.[2] With the supersession of the Punjab Civil Code increased attention was paid to the compilation of records of tribal custom at the time of settlement. It was " provided that where the customs regulating particular relations were common to the whole of a tribe or to a group of villages, they might be collected into tribal " statements. Two sets of questions were drawn up, one dealing with tribal customs, regulating social relations, and the other with local agrarian customs.[3] Unfortunately no presumption of truth attached to such a record of custom.[4] " But if the record of tribal custom had evidently been prepared after careful enquiry, and especially if the answers were fortified by the quotation of precedents, Courts of Justice might be expected to treat the replies recorded as valuable evidence."[5] Unfortunately, however, the weight actually attached to these records was not sufficient to give any appreciable measure of stability or certainty to Punjab customary law.

[1] *Thorburn, P.P.W.*, 250-1.
[2] *S.M.*, 561.
[3] *S.M.*, 563-4.
[4] *rivaj-i-Am.*
[5] *S.M.*, 566.

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4. The Economic Dictatorship of the Money-lender

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates, and men decay,
> Princes and lords may flourish, or may fade,
> A breath can make them, as a breath has made;
> But a bold peasantry, their country's pride.
> When once destroyed, can never be supplied.
>
> Goldsmith: *The Deserted Village*, 51.

Agriculture and indebtedness.

In past times agriculture was generally an industry of the small man, but in no other such industries were the results so uncertain, or the period of waiting for them so long. The vagaries of climate did not interfere with the working of the potter's wheel, and a pot could be made in a day. But the husbandman had to feed himself and his family for six months before he attained the reward of his labour, and drought, hail, or a foray might prevent his getting any reward at all. Sooner or later the time was bound to come when he required assistance to tide himself and his family over till the next harvest.[1] Unless, therefore, he received protection from the policy of the State or his own right arm he inevitably came under the domination of a rack-renting landlord or a grasping money-lender. Such was the case of the Irish peasantry when their English landlords left Ireland and took up their residence in England. Were the produce of the peasant's holding, in any year, more than usually abundant; or were he to become, by any accident, possessed of any property, his comforts could not be increased, he could not indulge in more or better food. Extra furniture could not be bought, nor his wife or children better clothed. His gains had to go to his landlord. The accidental addition might enable him to reduce his arrear of rent and thus defer ejectment. But this must be the limit of his expectation.[2] Emancipated from the landlord the Irish peasant fell into the clutches of the Jewish money-lender.[3] A similar fate befell the emancipated peasantry of Russia. Once indebted, the high rate of interest gives the peasant little hope of escape. "Before the fall of the Roman republic, a usury of the same kind seems to have been common in the provinces, under the ruinous administration of their proconsuls. The virtuous Brutus lent money in Cyprus at eight-and-forty per cent as

[1] *Irvine*, 30; *Calvert*, 7. [2] *Irvine*, 99. [3] *Calvert*, 128.

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we learn from the letters of Cicero."[1] Moreover, " the peasant in a backward country, whose supply of food has run short, often has access to only one man from whom he can buy grain, or borrow the means of purchasing ; if there are several grain dealers and lenders (for the two functions are commonly combined), they are likely to be acting in combination. The harsh exactions therefore of monopolistic sellers take a much larger place in mediæval history, and in the history of such countries as India and Russia, than do those of monopolistic buyers ".[2] In the Middle Ages of Europe, as in modern India, money-lending was the chief form of financial activity. Rich as well as poor fell into debt. " When an able financier, whether Jew or Gentile, had once found a footing, his resources were likely to grow by leaps and bounds, so long as he and his heirs maintained their ability and their liking for financial pursuits ; unless indeed their careers were cut short by violence or powerful debtors repudiated some large debts. For the habitual rates of interest corresponded to the impatience and lack of arithmetical faculty of rich men and monarchs, who were not accustomed to be thwarted, and had no turn for accounts."[3] A hasty and sanguine borrower would often accept " a loan for a short period, say three months, at say five per cent. In six years this would accumulate at compound interest to three times its original value, if no payment were made meanwhile ; and would be multiplied eighty-fold in twenty-four years. Few people reflected on such arithmetical results but the professional money-lender has always known them."[4] And all this money had ultimately to be paid back by the peasant, whether directly or through his indebted landlord. His position was at its worst in a society which suddenly rose from primitive disorder to stability as custom maintained the high interest rates justified in insecurity, at a time when the State was in a position to rigorously enforce the claims of the creditor.[5] At the end of the Middle Ages there were peasants whose creditors seized their tools and ploughs and beasts, the essential part of their stock in trade, and even their persons. A ruined peasant had to leave his cottage and his holding, for which he could no longer render dues, and become one of the " sturdy beggars " who infested Renaissance Europe. Sagacious princes saw the danger and took measures

[1] *Adam Smith*, I, 9. [2] *Marshall*, 272.
[3] *Marshall*, 710. [4] *Marshall*, 711. [5] p. 76.

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to prevent it. The Emperor Charles V forbade "the imprisonment of ploughmen for debt and protected from distraint their houses, oxen and other animals and their ploughs", and it was a wise provision of Magna Carta that no peasant's farming implements might be taken for his debts.[1] But perhaps the most effective protection to the debtor lay in the continually depreciating currency. "Those secular changes which in the past depreciated money, assisted the new men and emancipated them from the dead hand; they benefited new wealth at the expense of old, and armed enterprise against accumulation. The tendency of money to depreciate was in past times a weighty counterpoise against the cumulative results of compound interest and the inheritance of fortunes. It was a loosening influence against the rigid distribution of old-won wealth and the separation of ownership from activity. By this means each generation could disinherit in part its predecessors' heirs"[2]; and emancipate the producer from the parasite.

Proprietary rights in land.

Under the Moguls and Sikhs the relations between peasant debtors and money-lenders were regulated by the local Executive Officers with the sole view to agricultural efficiency. Capital was required to finance agriculture, and would only be forthcoming if properly recompensed. Hence the debtor must be compelled to repay principal with interest. But the peasant must not be over-exploited, or he would not be able to pay his land-revenue. Thus in practice just as the peasant was allowed to retain as much as and no more than would induce him to continue the practice of agriculture, so the money-lender was allowed to make as much profit as and no more than would induce him to continue to finance the peasant.[3] For where the money-lender would not come forward the State itself had to step into the breach and advance loans to the agriculturist rather than allow him to succumb entirely.[4] Thus the usurious rates of interest which so shocked the precise mind of Adam Smith,[5] were in practice limited by considerations of administrative expediency. As the revenue system left the peasant only just sufficient to carry on, the money-lender must perforce be

[1] *Irvine*, 29.
[2] Keynes, *A Tract on Monetary Reform* (Macmillan), 10.
[3] pp. 130, 188.
[4] *L.A.M.*, 610-12.
[5] *Adam Smith*, I, 8, 9.

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content with what the State allowed him, and that was as little as possible.[1] The possibility of land alienation was limited under a system which only recognised two forms of quasi-proprietary right, (a) the right of the revenue assignee to collect the revenue due to the State upon certain land, on payment of a fixed sum to the State, and (b) the right of the peasant " to hold certain land on condition of payment of the revenue due upon it, either to the State direct, or to a farmer who enjoyed the first form of right ".[2] And the alienation of even these limited rights was deprecated by custom and public opinion,[3] which, however, sometimes yielded to the pressure of the Government land revenue demand, outsiders being allowed to share in rights which had become burdens.[4] Moreover, land was for the most part more plentiful than cultivators and the demand was for the latter rather than for the former.[5] It was the British who, by limiting the State's demand on account of land revenue, really created proprietary right in the English sense, subject to a Government tax on rent. In Bengal and Oudh this proprietary right was mainly conferred on the old revenue assignees, in Agra and the Punjab mainly on the peasantry.[6] Previously the latter's rights were only of use to those who could till the land themselves. The creditor only desired payment out of the crop ; he willingly left the land in the hands of the cultivator who alone could make use of it.[7] In the well-irrigated lands of the south-west Punjab, where no village proprietary body existed, and where land only acquired a value through the expenditure involved in sinking a well, the ordinary conditions did not hold and a quasi-proprietary right existed. But this right was rather in the well than the land itself, and is mainly interesting from the fact that theorists subsequently tried to base on its existence a generalised argument in favour of the existence of a pre-British proprietary right in land.[8]

Growth of a transferable interest in land.

But even if in pre-British times the rights of certain classes in the land were of the nature of a quasi-proprietary right, it was only under the British that such proprietary rights were clearly admitted

[1] *Calvert*, 121 ; *Memorandum*, 9 ; p. 71. [2] *Memorandum*, 2.
[3] pp. 73, 105 ; see *Jenks*, 99, 103-4 ; Leviticus, xxv. 23, 24.
[4] *S.M.*, 127 ; *Calvert*, 123 ; p. 188. [5] *Memorandum*, 6.
[6] *Memorandum*, 3, 4, 11 ; pp. 152, 156, 246.
[7] pp. 68-9; *Memorandum*, 5, 8. [8] *Selections*, 46 ; *Calvert*, 123.

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and defined.[1] The limitation of the land revenue demand[2] gave a value to these rights which was still further enhanced by the agricultural prosperity following on the immunity from authorised exactions and unauthorised plundering secured by British rule. Again the development of communications gave the cultivator access to wider markets, thereby bringing new land into cultivation and enhancing the value of that already under the plough.[3] Moreover, where the actual occupant of the soil was recognised as proprietor, his interest now acquired what it had never before possessed—a money value in the hands of those who did not propose to earn their living from the land by husbandry.[4] The valuable property thus created was now transferable for a consideration; permission to do this being given "either by solemn proclamation, by formal legislative enactment, or by the silent influence of the English legal system and the accidental leanings of the Courts. The first step in this direction was taken by the Permanent Settlement Regulations of 1793 and 1795, which formally conferred upon the great Zemindars of the permanently-settled portion of Northern India (who had been warned, not ten years before, against the illegal practice of alienating revenue lands and threatened with penalties if they persisted in it) the full and unfettered power of alienation. The lead thus given was followed by the British Courts and Revenue Officers in the temporarily-settled tracts adjoining; and gradually throughout the whole of Northern India the unrestricted right of transfer was recognised as inherent in the status of proprietor, whether superior or inferior."[5] During the first twenty years of British rule in the Punjab the

[1] *Selections*, 22; p. 246.

[2] The Government share of the proprietary profits stood as follows:—

	Per cent.	
1812	91	of the average anticipated net assets.
1822	83	
1833	70 to 75	
1844	67	
1855	50	
1875	50	of the actual existing net assets.

The assessments of the earlier years of the nineteenth century were almost always incredibly heavy as judged by present standard; and the power of transfer was not exercised, because the right to be transferred was practically without value.—(*Memorandum*, 25.)

[3] *Jenks*, 103-4; *Memorandum*, 25; *Calvert*, 121-2.

[4] *Memorandum*, 13, 24.

[5] *Memorandum*, 14.

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right of transfer was subjected to what was rather discouragement than restriction, and though the Transfer of Property Act, of 1882, which formally recognised it, was never extended to the Punjab, the right was by then firmly established by practice.[1] By the acquisition of this valuable transferable right in land the peasant proprietor was able to offer the money-lender a security for investments which should have materially reduced the interest rate, but which did not in fact do so, owing to the failure of the peasant to appreciate the economic situation clearly.[2] But " until some years after the Mutiny, creditors were satisfied with good interest on their loans ; the village grocer had developed into the petty village money-lender, and nothing more ; he was hardly yet a usurer, being still dependent on the community ; earth-hunger he had none, for land, except when irrigated, was worth little or nothing ; the legal system was embryonic, the administration paternal, and title-deeds to fields still under preparation ; creditors, therefore, preferred to let an account run on, occasionally receiving handsome interest in grain or money, to taking over land as mortgages, with all the consequent risks and obligations of landlordism ". In fact, for many years after annexation, unirrigated land was hardly marketable. Whenever the crops failed, the owners were only " too ready to abandon their holdings, in the hope of escaping present liabilities, and returning at some future time when things looked better. Until towards the end of the 'sixties' the competition was not between tenants ; even into the ' seventies ', in many tracts the proprietary brotherhood would make over common land to outside cultivators on the mere condition that the lessees would pay the quota of land revenue which the village community had assessed thereon."[3]

Causes of agricultural debt under British rule.

" With the advent of British rule, British institutions, Civil Courts, Civil Procedure Codes, Contract, Limitation, Legal Practitioners and other Acts were introduced, and a bond or a debt secured on the mortgage or conditional sale of land became a sacred instrument, to be construed according to its terms. A debtor became liable to his creditor to his last farthing. In the eyes of the law the two were equal. In sober truth, the peasant was in money-matters a crass and hardly-intelligent simpleton ;

[1] *Memorandum*, 24 ; *Thorburn, M.M.*, 56.
[2] *Thorburn, M.M.*, 159. [3] *Thorburn, P.P.W.*, 230.

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the money-lender, a sharp, unscrupulous business-man, whose sole study was self-interest. With their opposing interests and their widely-different intelligences, it soon became abundantly evident to those civil officers, whose duties caused them to have much direct intercourse with any of 'the people of India' that under the ægis of British 'justice', that 'people' was being reduced into a state of prædial slavery by a small but ever-increasing class of shop-keepers and money-lenders. It was also clearly foreseen by such officers that in a time of political disturbance the new class of proprietors and mortgagees would be, if not positively a source of weakness" to the British Government, in any case without influence in the cause of order. The fact was that the "judicial system offered a certainty and facility in the recovery of debt which had never before existed, and by holding the land to be liable for money debts, it practically converted even unsecured debt into mortgage. What wonder, then, that the land-owners availed themselves to the full of the seemingly inexhaustible source of wealth thus placed in their hands, and rapidly and deeply involved themselves in pecuniary difficulties."[2] Debt in fact tended to be proportioned not to the needs but the credit of the borrower. The money-lender's object was not to finance but to entrap his client.[3] At first, however, he "conspired not for the land, but for the produce. He was intelligent enough to realise that the commercial value of the land was derived from what it yielded and as soon as peace and security brought good markets within easy reach he set himself to get possession of the grain at the lowest possible price. The simplest method was to get control over the cultivator; and shortly after the Mutiny a new class of village usurer sprang up, the members of which began to use their superior intelligence and every advantage which the new laws and new courts placed at their disposal to entangle the Punjab peasants in a mesh from which the newly passed Evidence Act would permit of no escape."[4] "The very love of the peasant for his land contributed to make it more

[1] *Thorburn, M.M.*, 56-7. [2] *Memorandum*, 27.

[3] This explains the apparent paradox that indebtedness is due to security and insecurity. Insecurity of the seasons leads a man into debt; the security he can offer determines the amount of debt which the money-lender will allow him to incur before foreclosing. (*Darling*, passim; *Calvert*, 134.)

[4] *Calvert*, 124-5.

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valuable as a security ; for the land once in the possession of the money-lender, starvation set almost the only limit to the rent which the tenant would agree to pay, rather than quit the field which he had inherited from his ancestors."[1] Now the inelasticity which characterised the moderate land revenue demand of the British rendered it certain that sooner or later a bad season would come when the cultivator would be unable to pay his land revenue. He was thus compelled to borrow, and once indebted he would be lucky if he ever escaped out of the clutches of the money-lender.[2] These conditions were accentuated in the south and west of the Province where the rainfall was uncertain and where the produce of one good harvest had often to tide over the drought of two or three years.[3] Again the revenue had to be paid in cash by a cultivator who only had agricultural produce. He was forced, therefore, to sell to the grain dealer, who was generally also the money-lender, and granted very unfavourable rates to clients who were already indebted to him. An even more serious cause of indebtedness was the mortality amongst cattle, which was terrible in years of drought,[4] and made a serious inroad on the necessary working capital of the people. His pair of bullocks were the essential instruments of husbandry of the cultivator. If they died, they had to be replaced, and this could only be done by borrowing. The loss of cattle annually caused by disease was also enormous, the religious objections raised by Hindus against those necessary preventive measures, which involved the slaughter of cattle, tending to accentuate the loss.[5] But the money-lender obtained little real grip upon any of the peasantry until 1860-61, when the first of those disastrous famines " occurred, which have since, in combination with the British ' system ' been the prominent causes of the ruin of a large part of ' the finest peasantry in India '. During the period of distress, loans at high interest—the peasant's necessity being the money-lender's opportunity —were freely incurred, and, with the money, revenue liabilities were met, food provided, and farm stock replaced. Happily, good seasons succeeding, and the power of recuperation being not yet enfeebled by previous indebtedness, only five or six per cent of the peasant-proprietors became hopelessly

[1] *Memorandum*, 28.
[2] *Memorandum*, 64.
[3] *Selections*, 46-7.
[4] e.g., those of 1877-78.
[5] *Calvert*, 131-2.

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involved."[1] Famine " relief was then organised by Government for the first time. In Rohtak 900,000 people were relieved, in Karnal 22,000 were fed in a single month." In 1868-69 a famine of even greater severity devastated the same tract, nearly ten million day's rations were distributed free and half as many more for work done on relief works. " Again in 1877-78 drought prevailed east of the Sutlej, and the country narrowly escaped a famine. Relief was given promptly and effectively, and the period of danger and anxiety passed."[2]

Economic isolation of the Punjab.

But the real relief from famine was obtained when the development of communications by rail and road enabled food to be transported easily to the affected districts, and rendered profitable the growth of a surplus produce for export which could be diverted to relieve affected districts in times of scarcity. " In the early days after annexation there were no communications worthy of the name. The bad condition and insecurity of the roads and the levy of vexatious transit and customs dues prevented the exportation of grain to any distance, and the people of one tract starved for food while plenty reigned in neighbouring districts. Supplies could only be sent up to the affected area by country carts at the rate of ten miles a day. Even in the early sixties the difficulties of transit were so considerable as to give cause for anxiety as to the dispatch of relief."[3] But the terrors of famine diminished at each visitation, as the spread of knowledge among the people and the development of the communications and agricultural resources of the Province enabled Government to cope with them more and more effectively. Agriculture was in fact the essential industry of a landlocked province, which suffered from the disadvantage of being bounded on three sides by countries that offered no markets for its products. The Punjab in fact resembled a densely populated wedge thrust north-westward into a very sparsely populated area. To the north lay the Himalayan tracts of Kashmir, Ladakh and Tibet, and beyond these again the deserts of Turkestan. To the west were the mountains of Afghanistan and the deserts of Baluchistan, with the Persian desert beyond. To the south lay the deserts of Sind and Rajputana. In none of these countries was there the number of consumers required to make them valuable markets for

[1] *Thorburn, P.P.W.*, 233-4.
[2] *Ibbetson*, 128.
[3] *P.A.R.*, 295.

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Punjab produce. On the east the North-Western Provinces might seem to present a rich market, but the two areas were so similar in soil, climate and people, that they produced similar commodities and so competed with each other for customers. Prior to the advent of the railway such trade as existed was mainly confined to river transport by the Jumna and the tributaries of the Indus, and to the great Asiatic trade routes through the Afghan passes; but judged by modern standards it was never of great value or volume. Lateral trade was handicapped by the obstacles of the great rivers, and the lack of organised transport facilities for the public. In time of plenty grain was so cheap as to be almost unsaleable, for there was no market for the surplus; in time of scarcity it could not be imported from distant places and starvation resulted. Thus the development of communications which followed on the introduction of British rule could only open up the Punjab to the products of outside industry, and could not develop the industry or the through trade of this Ultima Thule of the Indian commercial zone. Thus industry and commerce stagnated, and the capital which rapidly accumulated with the increasing prosperity of agriculture could find no outlet except in the economically unproductive fields of litigation and money-lending,[1] and at the expense of agriculture.

The Hindu money-lending fraternity.

The capitalist class, on annexation, still (as of old) almost entirely consisted of Hindus, who were generally (in their own estimation) of high caste,[2] though by the agricultural classes the village money-lender was more often reckoned as a village menial. In any case he was at that time regarded as the friend, not the enemy, of the peasant, working in harmony with him, and sharing humbly in his prosperity or adversity. The satisfaction of a debt could not be claimed as a right, its payment was merely a moral obligation.[3] The capitalist indigenous to the Punjab was the intellectual Khatri, who, tracing a real or fictitious descent from the old warrior caste of Kshatriyas,[4] had nevertheless for generations abandoned the profession of arms for commercial pursuits. Many of the Khatris became Sikhs, and they were particularly well represented in the areas which had been directly ruled by Ranjit Singh. The Aroras and Banias on the other hand were intruders from Sind and

[1] *Calvert*, 52.
[2] p. 62.
[3] *Thorburn, M.M.*, 56.
[4] p. 61.

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Rajputana respectively, who first settled in towns in which Khatris were already established, whence they gradually started shops in villages and diffused themselves by ones and twos amongst the agricultural community.[1] Their success was largely due to their business energy and the thrift which showed itself in domestic economies; for however rich he might become, a Hindu merchant continued to live almost as parsimoniously as when he was very poor. Occasionally extravagant on such ceremonial occasions as marriages he did not grudge expenditure which, while satisfying ostentation, was also a safe investment. "As soon as he had money to spare, he built himself a handsome *pakka*[2] mansion, lofty enough to excite envy, hatred, and malice in the hearts of his lowly neighbours, whose weaknesses had translated him from the position of servant to that of master."[3] Under such conditions the numbers of the money-lending fraternity increased rapidly.[4] Many of them still carried "on their business according to old traditions, and in a prudent way, not aiming at getting possession of their clients' lands, and content to get by hook or crook a good interest on their capital as a whole. This they did by wholesale and retail buying and selling with their clients as well as by lending money. When they lent they did so at high interest, most of which they got if seasons were good, but much of which they remitted freely if seasons were bad or other misfortunes occurred to their clients. These men brought comparatively few cases into Court, except against clients who turned out exceptionally thriftless or dishonest. There were, however, a large number of money-lenders who, after the value of land and the prestige attached to its ownership had gone up, deliberately aimed in the conduct of their business at getting possession of their clients' lands, and who with this object encouraged them to take improvident loans and to defer paying and let interest accumulate, and at last put them into Court when they were least able to pay. There were also others who lent recklessly at high interest to men they knew to be improvident and dishonest, trusting to recover by prompt recourse to the Courts, much from one man and a little from another, and so make their business

[1] *Thorburn, M.M.*, 35-6; *Ibbetson*, 531 foll.

[2] i.e., made of bricks burnt in a brick-kiln, as opposed to a *kachcha* house made of sun-dried bricks.

[3] *Thorburn, M.M.*, 38. [4] *Calvert*, 128.

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pay."[1] The village money-lender kept "his accounts in a Hindi Character only intelligible to men of his own class in his own immediate neighbourhood. The accounts were roughly jotted down in books, or on sheets loosely stitched together. No endeavour was made at close writing, hence interpolation was easy. The very pages were seldom numbered." Theoretically the transactions of each constituent were recorded in three books: the daybook[2] in which each day's transactions were recorded in order as they occurred, the ledger,[3] in which each constituent's personal account was similarly entered under his name, and the cash balance account[4] "in which the net results of debits and credits were daily or periodically exhibited. In practice, few petty village traders, until they emerged from that status into the superior position of banker, kept more than the first two account-books, maintaining them in such a slovenly way that their correct interpretation, even when translated, was more or less a matter of guess-work. No periodical audit and balancing was attempted. The account ran on from month to month and from year to year, interest being added and merged into principal from time to time, and a bond executed whenever the period of limitation drew near."[5] The unreliability of these accounts was recognised from the first, John Lawrence noting that "as a check on the accounts of bankers, who have long been suspected of imposing on the ignorant agriculturists, who form the bulk of their constituents, the maintenance of a daybook, as well as of a ledger, has been made obligatory. Models of such books are to be circulated, and the ledger alone will not, as heretofore, be accepted as evidence."[6] But the rule so made was not preserved by the Punjab Laws Act and so lapsed.[7]

The money-lender's superiority in the Civil Courts.

Under such circumstances, with the capitalist anxious to lend on the one hand and the proprietor anxious to borrow on the other, even honest transactions between two parties of whom the superior astuteness, business training, and command of capital of the former rendered the latter a mere child in his

[1] *Selections*, 61.; *Thorburn, M.M.*, 159; *Calvert*, 124-6.
[2] *roznamcha* or *sur bahi*.
[3] *khata bahi*.
[4] *rokar bahi*.
[5] *Thorburn, M.M.*
[6] *P.A.R.*, 1858-9.
[7] *Selections*, 73.

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hands, could lead only to one result.[1] But that result was immensely aided and accelerated by the mechanical nature of the English judicial system, with its peculiar view on the subject of contract. Contracts, framed " in a spirit of oriental hyperbole, which neither party ever intended or expected to be carried out in full, which followed the traditions of a people to whom the ideal of justice is compromise ", were construed literally and enforced *au pied de la lettre*.[1] The ancient usury laws of the country had been set aside and land declared liable for money debts. The justice of the ruler had been replaced by the machinery of the law, administered through " a judicial system, the rigidity and technicality of which were alien to the eastern mind and unsuited to the moral circumstances of the people, and which, chicanery apart, offered enormous advantages to that education, astuteness and length of purse in which the money-lender was so much superior to the land-owner as a class."[2] If a cultivator, whose whole crop was attached, were to plead that this would leave his family without any food for the next month, and also compel him to defraud the State of its share, the Civil Court could reply (with Gallio) that it cared for none of these things, and that its duty was confined to administering the civil law. Such a cultivator was liable " to be summoned at the caprice of his creditor at all seasons of the year, sowing time, harvest time, or any other time. No matter how necessary his presence on his land, the summons was raised, and had to be obeyed, under risk of heavy penalties if neglected ; the summons often involving a journey of twenty miles and back, or several such journeys, according to the number of hearings necessary to the decision of the case."[3] Again, when a decree had been passed the law allowed the creditor to settle both the method of satisfaction and the time of enforcement with regard to his own interests alone. The subordinate judges[4] were largely recruited from the Hindu money-lending classes, and were mostly well educated men of town extraction. As a body they were ignorant of rural affairs, having no sympathy with

[1] *Memorandum*, 29.

[2] *Memorandum*, 29 ; *Selections*, 24-5, 53 ; *Darling*, 205.

[3] From a paper by Colonel Wace (see pp. 273-8) : Settlement Commissioner's No. 1009, dated 5th September, 1897, to Secretary to Government, Punjab.

[4] Known as *munsifs* (from Arabic *insaf*, justice) because they were supposed to do justice.

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agriculturists, and not even thoroughly understanding their patois.[1] They made no attempt to go behind the letter of the transaction, and decree reasonable interest, although that would have only been an equitable interpretation of the agreement as understood by the cultivator.[2] The practice of referring such cases[3] to the village committees of elders[4] died out; the procedure necessary to validate an arbitrator's award being so elaborate that the whole proceedings were frequently quashed on appeal, because some technicality in the mode of reference or of drawing up the award was omitted.[5] The committees themselves had rapidly declined in authority with the usurpation of their old functions by the Civil Courts; and a subsequent proposal to revive them under the name of Rural Courts and Conciliators came to nothing.[6] Moreover the appearance of pleaders in the Civil Courts (which had been forbidden under the old Punjab Civil Code) was all to the disadvantage of the agriculturist. Many money-lenders retained special pleaders to act as their debt collectors in the subordinate Courts; and if the money-lender appeared by pleader the agriculturist usually felt bound to do the same, otherwise he would be at a great disadvantage. This greatly added to the cost of litigation, all of which ultimately fell on the agriculturist.[7] Litigation was also stimulated by the reduction in the period of limitation. "Until the end of 1857 the period of limitation for suits generally had been twelve years. It was then reduced to six years for claims on bonds and accounts. In 1859 it was further reduced to three years except in the case of suits based on registered bonds, for which six years remained the limit. Each successive diminution of the period brought about a flood of litigation." "As the new law forced creditors into the Courts every third year, whenever they failed to induce their debtors to renew their bonds with interest and compound interest superadded, the Civil Courts were soon clogged with arrears, which the institution of Small Cause Courts in large centres could do little to keep down. The ordinary money-lender's ignorance of all but the broadest points of the law, and knowledge of the fraud, perjury and forgery which pervaded the Courts, induced him to be with

[1] *Thorburn, M.M.*, 130; *Darling*, 205.
[2] *Thorburn, M.M.*, 132, 142. [3] p. 290.
[4] *Panchayats.* [5] *Thorburn, M.M.*, 142; *Selections*, 25.
[6] *Selections*, 57-8. [7] *Selections*, 71.

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good reason very shy of any but the simplest methods of securing himself against his claims being barred by limitation. Hence frequent bonds and frequent suits in Court with the result that the amount Government took out of the peasant proprietors' pockets in the shape of stamp duties of kinds was very formidable " and to a large extent nullified the lightness of land revenue assessments.[1]

The tribal custom of pre-emption rendered of none effect by the Chief Court's tradition.

Even the old tribal custom of pre-emption, though recognised by the Civil Courts, was so perverted by them as to lose much of its value for the protection of the agriculturist. Pre-emption[2] was merely a corollary of the general tribal " principles regulating the succession to, and power of disposal of, land. In these matters the holder of the estate for the time being was subject, generally speaking, to the control of the group of agnates who would naturally succeed him. They could, as a general rule, altogether prevent alienations by adoption or gift, or by sale for the holder's own benefit." It therefore followed " that when a proprietor was compelled by necessity to sell, these agnates should be offered the opportunity of advancing the money required, thus saving what was really their own property. The first administrators of the Punjab brought a knowledge of the existence of pre-emption in village communities from the North-West Provinces. In 1852 the Board of Administration required a landowner who wished to sell his share to offer it in the first instance to the whole community, or to some individual co-parcener, at a reasonable price to be fixed by agreement, failing which the revenue officer and three assessors were to determine the fair value. Two years later this instruction was embodied and elaborated in the Punjab Civil Code. Pre-emption was there declared to apply to village lands and sites in villages and small towns occupied by shareholders in the estate, and to extend to private sales, sales in execution of

[1] *Thorburn, M.M.*, 74-5; *Selections*, 72-3.

[2] This tribal custom prevailed amongst the Hebrews: see Leviticus, xxv. 25, Ruth, iv. 4, and was exercised by Jeremiah, in spite of the fact that Nebuchadnezzar was besieging Jerusalem at the time. It is a remarkable testimony to the permanence of tribal custom amidst the most cataclysmic political changes, that Jeremiah should have thought it worth while to exercise his right of pre-emption at a time when he himself was taking up an alarmist attitude regarding the Babylonian invasion (Jeremiah, xxxii.).

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decree, and foreclosures of mortgage. If none of the owners wished to buy, the occupancy tenants (if any) might exercise the right. Provision was made for the valuation of land in case of dispute by a committee appointed by the revenue authorities. Pre-emption suits were to be brought in the Civil Courts, but any issues as to priority among contending claimants and as to the value of the land were to be referred for decision to the revenue authorities. In 1856 the Chief Commissioner with the object of preserving the integrity of village communities, extended the right to usufructuary mortgages." "The customs governing pre-emption were also recorded in the village administration papers drawn up" in the Prinsep and pre-Prinsep settlements.[1] But "two early judgments of the Chief Court robbed pre-emption of most of its value. The Court held that the right did not extend to usufructuary mortgages, except where the village administration paper so provided, and that a proprietor by purchase, though a stranger to, and at bitter strife with, the original village brotherhood, had as good a title to claim pre-emption as any member of it. The same limitation of the right as regards the transaction in respect of which it existed, and the same extension of it as regards the persons who might claim to exercise it, were unfortunately embodied in the sections of the Punjab Laws Act, which dealt with pre-emption."[2]

The English judicial system in the North-Western Provinces and Bombay.

The disastrous effect of the application of the English judicial system to the conditions of Indian agriculture was beginning to be felt all over India. In the North-Western Provinces it had enlisted public sympathy with the mutineers, whose temporary ascendancy had given dispossessed proprietors the opportunity of destroying the auction purchasers of their estates and holdings, an illustration of the tenacity with which mankind all over the world[3] cling to their ancestral acres, and a proof of the temptation that exists to resume the alienated birthright, as soon as the check of authority is removed. "Collectors",[4] and their subordinates (complained Sir John Strachey) "have far too much become mere machines for grinding revenue out of the people. But no amelioration or relaxation of our revenue administration will give any real

[1] pp. 259-63. [2] *L.A.M.*, 16-21. [3] cf. Ireland.

[4] The Deputy Commissioner was known in Regulation provinces as a Collector (see p. 145).

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relief so long as the landholders find it impossible to obtain advances of money on fair and reasonable terms. No one who has not had the matter brought practically and directly to his notice, can have the least conception of the knavery and rapacity of the money-lenders to whom the landholders of these Provinces are obliged to have recourse. Our Civil Courts have unhappily been the ready instruments for these dishonest operations, and our system of judicial procedure, instead of checking, has stimulated and exaggerated them."[1] In Bombay things were much the same. In pre-British times it had been the practice to induce the money-lenders " to stand security for the payment of the village land revenue and to permit them in return to collect together the State revenues and their private debts. The security for the repayment of these debts was small. The land itself had little or no sale value, and the cultivator's credit was limited to the value of his standing crop and his cattle ; but the ordinary dealings between the money-lender and the peasant were based on the result of experience, which taught each his own interest. The peasant knew that his constantly recurring necessity could not be relieved unless he maintained his credit by good faith ; and the money-lender knew that he had no outside support to look to, if he tried to exact an exceptionally excessive profit." A common method by which the money-lender would induce a debtor of the humble class to pay up was by sitting, or employing " an agent (often a Brahmin) to sit at the door of a defaulting debtor, insistently demanding payment, abusing the debtor, refusing to eat or drink till the debt was paid, and sometimes placing a stone on his head, or tying his hair to a peg in the debtor's door. The debtor was regarded as the cause of these self-inflicted tortures ; and it was considered a great sin to drive the creditor or his agent to extremes by refusing to pay the debt or give guarantees for its payment."[2] There were no legal means of enforcing payment of debts. The creditor trusted chiefly to the honesty and good faith of his debtor and the relations between money-lenders and cultivators were those of mutual interest and confidence. But with the introduction of the British judicial system this happy and mutually advantageous state of affairs came to an end. The prosperity of the peasant was no longer necessary

[1] *Thorburn, M.M.*, 67.

[2] *Keatinge*, 82. The practice alluded to was known as *dhurna*; see p. 79.

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to the prosperity of the village money-lender. "The latter had no longer occasion to trust to the good faith or honesty of the former. Mutual confidence and good-will were succeeded by mutual distrust and dislike. The money-lender had the ever ready expedient of a suit at law to obtain complete command over the person and property of his debtor. It became the interest of the former to reduce the latter to a state of hopeless indebtedness in order that he might be able to appropriate the whole fruits of his industry beyond what was indispensable to a mere existence." This he was enabled without difficulty to do. So long as a peasant was not much involved, the money-lender would be only too ready to afford him the means of indulging in any extravagance without troubling him at all about future re-payment. The simple and thoughtless peasant was easily inveigled into the snare, and only became aware of his folly when the toils had closed round him and escape was impossible. "From that day forward he became the bondsman of his creditor. The latter took care that he should seldom do more than reduce the interest of his debt. Do what he might the poor peasant could never get rid of the principal. He toiled that another might rest, and sowed that another might reap. The virtues of a freeman were supplanted by the vices of a slave."[1] These were the facts brought in 1852 by Sir G. Wingate, Revenue Survey Commissioner, to the notice of the Bombay Government, who replied that "the subject had received so large a share of their anxious consideration on former occasions, that it was unnecessary to discuss it". But the executive subordinates of the Government who lived among the people would not permit the matter to be dropped so easily, and in 1858 the subject was again laid before the Bombay Government, with the result that his Lordship in Council "believed that our Civil Courts have become hateful to the masses of our Indian subjects from being made the instruments of the almost incredible rapacity of usurious capitalists". Accordingly the attention of the Legislative Council was requested and there the matter ended.[2]

Results of the judicial system not immediately apparent in the Punjab.

The Punjab had made less rapid "progress" than these senior provinces. Annexed half a century later, it benefited from the experience of its neighbours; and the brilliant administrators

[1] *Thorburn, M.M.*, 60-1. [2] *Thorburn, M.M.*, 62-4.

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of its early days did much in practice to loosen the chains forged by the Civil Courts for its hardy peasantry. Moreover, "titles were everywhere insecure until determined and recorded at a regular settlement, in which the investigations and recording of tenures was made, and that was not effected in some districts until many years after annexation. Then for many years Civil Courts were few, and guided by reason and conscience. The introduction of an elaborate substantive law, of a strict code of Civil Procedure, of legal practitioners, and of all those complicated devices of civilised Europe, which benefit the rich and terrorise the poor, was a matter of slow evolution in the Punjab. For many years, too, the peasant's margin of credit was so great that he succeeded in scraping along by renewing his bonds at long intervals, and by making over to his creditor the surplus produce of the annually extended area under the plough."[1] Moreover, the arrival of the Chief Court in 1866 was followed by a sharp though temporary rise in prices,[2] which facilitated the repayment of loans and prevented the money-lenders bringing their cases into Court. The rise continued till 1869 when it was succeeded by an equally sharp fall, and it was not till then that the actual enslavement of the peasantry began. Even then the process was slow, and not immediately manifest. "The standard of comfort of all classes had risen: the people generally were manifestly more prosperous than they had been ten to twenty years before: agriculturists were better housed and clothed, spent more on betrothals, marriages, and deaths, than ever before: their land revenue assessments were, when viewed absolutely, light, not amounting to more than one-sixth of an average yield: if the inelasticity of a fixed land revenue assessment compelled them to borrow in bad years, still their assessments were, in theory, very light, falling at less than a quarter of an average yield: the surplus of good harvests must recoup the losses of poor or of no harvests: the principle of fixity of demand must not be impugned: elasticity would demoralise the people: a year or two of misfortune would inculcate prudence. As for the alienation of land to money-lenders, the investment of capital in land was a sign of prosperity and of confidence in the stability of the British rule: the village money-lender was a necessary factor in the

[1] *Thorburn, M.M.*, 51; *Thorburn, P.P.W.*, 232-3.

[2] See diagram, p. 336.

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agricultural economy of India, was coeval with agriculture, and could not be dispensed with. By such paradoxes and truisms the revenue authorities of the day satisfied themselves that the insidious change in the relationship between cultivator and money-lender, which Deputy Commissioners sometimes ventured to think dangerous, was a concomitant of progress and prosperity."[1] Slowly, however, " the sense of wrong at the sudden increase to their burdens, the worries arising from growing indebtedness and never ending persecution by creditors, Courts, and Court underlings, and, above all, the readiness with which *ex parte* decrees were given and executed, created widespread dissatisfaction with the Government. Sayings contemptuous of the civil administration were now in every rustic's mouth, as, for instance, ' To-day is the *raj* (rule) of the money-lenders ' ; ' The pen gives the land to the usurer, but the slipper (force) will take it back ' ; ' A bond, a witness, a decree'—indicating the popular view of the routine stages and uniform results of law-suits. Echoes of these grumblings rarely penetrated into the detached seclusion in which the Government—Lieutenant-Governor and his Secretariat—lived and moved ; but official facts and opinion had to be examined and disposed of, and in the seventies, as the elaborate settlement reports and reviews by Commissioners and Financial Commissioner were successively published, the concurrence of testimony was considerable, that the peasant proprietary of the country were becoming seriously indebted, and alienating their holdings to money-lenders. Perfunctory inquiries were instituted, but bureaucratic optimism was proof against all inference which clashed with predilections. The conclusions arrived at were of a negative character : statistics of indebtedness and land-alienation to non-agriculturists were meagre and unreliable ; even if the weakly were sinking, the fit were rising ; the country was passing through a transition period ; the Punjab had the best of all possible governments—if under good laws carefully administered the peasantry could not thrive, the Government could do no more. Thus, the decision was to fold hands and look on, trusting to the far-off moral and economic ameliorations which the spread of education might some day effect, if only the agricultural classes, who paid a compulsory school cess, would send their children to school—

[1] *Thorburn, M.M.*, 53.

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a preliminary to mind expansion which was almost wholly monopolised by non-agriculturists."[1]

The Dekhan Agriculturists' Relief Act, 1879.

Meanwhile the manly Mahratta peasantry of the Bombay uplands had been goaded into frenzy. "A sudden rise in the value of cotton at the time of the American War occasioned a vast inflation of credit, which was fed by a corresponding influx of capital seeking investment, whereby the landholders, under cover of the proprietary rights they had acquired, were tempted to improvident borrowing. Being deficient in the qualities of forethought, energy, and self-reliance, they were thus laid open to new dangers, while their improvident habits were such that the low unvarying revenue assessments brought them no advantage. The extravagant habits engendered by this temporary prosperity were not easily laid aside, and the subsequent collapse in prices, combined with bad seasons, threw them into debt. As indebtedness became more hopeless and inextricable, the money-lender resorted more freely to the aid of legal process, and the debtors, exasperated at the invasion of their cherished rights in their holdings, were driven to despair."[2] For the last half century their case had been engaging the "anxious consideration" of the Bombay Government. But the ungrateful peasantry would wait no longer. They might indeed have justified themselves in the words of the Elizabethan poet :

> Men find that action is another thing
> Than what they in discoursing papers read :
> The world's affairs require in managing
> More arts than those wherein you clerks proceed.
> Whilst timorous knowledge stands considering
> Audacious Ignorance hath done the deed ;
> For who knows most, the more he knows to doubt,
> The least discourse is commonly most stout.[3]

In this case the "audacious ignorance" of some Dekhan villagers, "grown desperate by thirty years of resultless inquiry", led them to band themselves together as a Mahratta Land League and boycott their creditors. The contagion spread rapidly. In the following May the cultivators in a large village near Poona rose and gutted the shops of their

[1] *Thorburn, P.P.W.*, 237-8.
[2] *Selections*, 26 ; *Keatinge*, 84-5.
[3] Daniel : *Musophilus* II, 486-93.

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oppressors. Similar riots and disturbances took place in a score of other villages, the object in every case being the destruction of bonds and decrees in the hands of the money-lenders. The immediately exciting cause—for the risings were believed to be unconnected—was in each case the circulation of a story that usurious bonds had, with the approval of Government, been extorted from a debtor. That the most docile and law-abiding agriculturists in India should almost within sight of Poona—the summer capital of the Bombay Government—riotously rebel against the justice of that Government's laws—ungratefully forgetful that for upwards of thirty years their grievances had been subjected to 'anxious consideration'—took that Government by surprise. Urged on by apprehension of a general Mahratta uprising, a Commission of Inquiry was immediately appointed, and the excited peasantry pacified by promises of the redress of grievances."[1] "The Commission came to the conclusion that the Dekhan was suffering from the fact that laws and institutions, suited only to an advanced and educated community, had been imposed on an ignorant body of cultivators, who were unable to understand their significance; while the money-lending classes had taken full advantage of the situation to turn to their own uses every facility which the law allowed, and more besides. To remedy this they proposed the introduction of some simpler forms of laws and procedure which would save the cultivator from the results of his own ignorance and the astuteness of his creditor. The result was the passing of the Dekhan Agriculturists' Relief Act in 1879, which created a special machinery for adjusting the disputes between money-lender and peasants. The Act insisted on the keeping of full accounts by the money-lender, and directed the Civil Court, before which such cases came, to enquire fully into the history and merits of disputed or doubtful cases from the commencement of the transactions between the parties; to decide whether there had been any element of fraud, mistake or undue influence; and to work out a complete statement of accounts between the parties. When the Court had done this it would be able to gauge the equities of the case, and would have the power to go behind the contract, and award what it considered fair, reducing the interest to a reasonable rate, and directing that the sum due by the debtor should be paid

[1] *Thorburn, M.M.*, 69; *Keatinge*, 85-6.

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in such instalments and at such dates as might give him a chance of extricating himself from his difficulties. To prevent fraud in connection with the making of contracts between money-lenders and peasants, the Act provided for the appointment of Village Registrars before whom all such contracts had to be made; and to facilitate equitable adjustments of disputes out of Court it provided for the creation of Conciliators, armed with powers calculated to induce the parties to effect equitable settlements of their disputes. Finally it extended the period of limitation, and provided a simple procedure designed to prevent an uneducated party from being put to an unfair disadvantage. Twelve years after the passing of the Act a special Commission was appointed to enquire into its working. The evidence taken by the Commission showed that the effect of the Act had been to make the professional money-lender more cautious in advancing loans except on the security of land, and the agriculturist more reluctant to borrow where the security of his land was required. This result had been accompanied by a marked reduction in unnecessary borrowing; while the provisions of the Act as to compound interest and the limitations of the interest which the Court could award undoubtedly discouraged long credits and renewals; and tended to prevent the accumulation of new debt. The general effect was that the position of the cultivator had become much stronger and more independent than it had been. Money dealings with fellow peasants had to some extent taken the place of dealings with professional money-lenders, and the custom of making over the crop to the money-lender had lost ground. Credit had not been seriously checked; the price of agricultural land had largely increased; the ill-feeling between money-lenders and peasants had in great measure disappeared, and agrarian crimes had ceased."[1]

The Famine Commission Report, 1880.

The Dekhan riots were followed by a recurrence of famine in 1876-78, beginning in Madras and spreading north into the Punjab. Public opinion in England was roused, and as a result the Government of India was constrained to institute comprehensive Commissions to inquire into both phenomena. Eventually (in 1880) a "Famine Commission,[2] presided over by Sir James Caird, an economist of European reputation, made public the appalling revelation that for British India generally 'about

[1] *Keatinge*, 86-8; *Calvert*, 127; *Darling*, 206; *Selections*, 26-7. [2] p. 271.

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one-third of the land-holding classes are deeply and inextricably in debt, and that at least an equal proportion are in debt, though not beyond the power of recovering themselves'. The conditions elucidated by the more particular Dekhan enquiry showed that the situation there was even worse," and that the insurrection had resulted from the intolerable exactions of money-lenders foreign to the province, combined with the inelasticity of the land revenue[1] system. The necessity for a method of maintaining agricultural statistics, which would afford a test of conditions deleterious to the peasantry somewhat less disturbing than a riot, led to proposals for the reform of the land records staff. But in practice the situation was already sufficiently obvious to all those who were not wilfully blind to it, though (in the words of Sir James), "Those British officials who see this, feel themselves powerless to influence a central authority far removed from them, subject to no control of public opinion, and overburdened with details with which it is incapable of dealing".[1] To diagnose the disease was comparatively easy, to effect a remedy in opposition to the powerful vested interests of the educated Hindu minority, supported by the weight of the legal profession, was more difficult; and the Famine Commission confined itself to bestowing its blessing on the provisions of the Dekhan Agriculturists' Relief Act, and recommending their adoption generally, a recommendation which (after their departure) was quietly ignored.[2]

State loans to Agriculturists.

Their recommendation did, however, somewhat facilitate the distribution of State loans to agriculturists. The responsibility for the maintaining agriculture by the grants of loans in cases of necessity had been recognised by pre-British Governments and the Punjab Board of Administration followed them, announcing "that it was prepared to sanction advances for the repair of old wells, for the sinking of new ones, and for the excavation of watercourses. The power of sanctioning such loans for works of permanent utility was delegated to Commissioners, but they had no power to give loans for the purchase of bullocks or seed.[4] Seven or eight years later the system had become discredited owing to want of care in working it, and orders were issued to the effect that the Lieutenant-Governor desires to discourage

[1] *Thorburn, P.P.W.*, 253.
[2] *Calvert*, 127; *Selections*, 28-9. [3] *L.A.M.*, 613.

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such advances as much as possible, and in particular deprecates their being made to impoverished villages suffering from over-assessment and entitled to a reduction of revenue, and that henceforth no such advance shall be made except in cases where security for prompt repayment can be obtained." Doctrinaire *laissez-faire* at its worst characterised the instructions of a contemporary Revenue Manual. "Undue interference with the landowners" (it admonished), "though with the best intentions, is to be deprecated and generally fails. It is notorious that every village has its banker and as long as credit exists, so long will advances for purely agricultural purposes in ordinary times and in ordinary cases be forthcoming, and the Government had better leave the matter alone. As a general rule the practice should be discouraged; it is one for exceptional periods, and in a newly conquered country. The people should be left to their own resources and credit as regards works of permanent utility. Advances for bullocks and seed are wholly to be condemned. In a financial point of view it must be remembered that we are paying five per cent for the money advanced, and there is no necessity for sacrifice."[1] The legislative craze of the seventies gave birth to the first Land Improvement Act of 1871 on which the Famine Commission remarked that "it has failed to realise the intention of promoting improvements, and there is a very general reluctance to make use of its provisions. The sums which have been advanced under the Act are extremely small and bear no proportion whatever to the need which the country has of capital to carry out material improvements." The Act itself and the rules under it were needlessly complicated and were superseded by a simpler Act in 1883, which left more scope for elasticity in the form of rules.[2] A contemporary Agriculturists' Loans Act (1884) provided for the grant of loans to "owners and occupiers of arable land for the relief of distress, the purchase of seed or cattle, or any other purposes connected with agricultural objects".[3] But the defect inherent in the system of State loans lay in the difficulty experienced by the peasant in obtaining them without the payment of heavy *douceurs* to the underlings of the Revenue Department, and the lack of consideration shown in the recovery of instalments in seasons of scarcity. The effective solution of the problem of agricultural indebtedness

[1] *L.A.M.*, 614. [2] *L.A.M.*, 616. [3] *L.A.M.*, 633.

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was not found till the introduction of Co-operative Credit transformed official ideas on the subject.[1]

Thorburn, the Punjab peasant's protagonist.

The Famine Commission came and went, and the Punjab Government turned itself over and prepared to go to sleep again. But its slumbers were rudely awakened by a voice crying in the wilderness of the western Punjab, calling on it to deliver the Muhammadan peasant from the oppression of the Hindu money-lender. It was Thorburn, who thus refused to prophecy smooth things to a Government, which in return fed him with the bread of affliction and the water of affliction all his days. There had been many brave warm-hearted and selfless officials before Thorburn :

> Vixere fortes ante Agamemnona
> Multi ;[2]

but none who combined with these essential qualities of soul, the same mastery of detail, persistency of purpose, and audacity of spirit,

> The unconquerable will
> And courage never to submit or yield
> And what is else not to be overcome.[3]

The toreador of Punjab politics, he baffled and confounded the bull-like charges of an infuriated Government by the rapidity of his thrusts and the dexterity of his aim. To silence him, he was in 1884 ordered to conduct an investigation into the indebtedness of Muhammadan agriculturists in the western Punjab.[4] But while his masterly exposition of the situation was being slowly smothered under a mass of official comment and criticism, public opinion in England and India was suddenly aroused by the publication in 1886 of his *Musalmans and Moneylenders in the Punjab* which presented the same material in a more popular form. Confining his attention to that western half of the Province with

[1] *L.A.M.*, 615.

[2] Horace : Odes iv. One of these forgotten heroes was Gladstone, a relation of the great English statesman. When sub-divisional officer at Rupar (in the Ambala district) he went into the money-lenders' accounts personally and induced them to agree to an amount reasonably due. But even the kinsman of the Grand Old Man eventually succumbed to the money-lenders' machinations, though the peasantry of Rupar still pay their highest compliment to his successors in tracing a real or fancied resemblance to their beloved Gladstone Sahib.

[3] Milton : *Paradise Lost*, Bk. I.

[4] *Selections*, 43.

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which he was intimately acquainted he represented " that the land-owning tribes of the Muhammadan or western half of the Punjab were generally indebted and sinking into, the position of serfs or villeins to Hindu money-lenders, and that their degradation was directly due to the British system of administration, particularly to the innovations of fixed assessments, freedom of contract, individual property in land, and the series of technical laws which benefited the rich and astute at the expense of the poor and ignorant. The remedies suggested were the substitution of elasticity for fixity in collecting the land revenue, the disabling of agriculturists from alienating land to non-agriculturists, and a reversion to simple equitable laws, courts, and procedure for the disposal of agricultural civil disputes."[1] The Home Government which fancied that the Indian agrarian question had been finally settled by the Famine Commission, asked the Punjab Government for its opinion. Sir James Lyall, the Lieutenant-Governor of the period, " had never been a Secretary, having spent all official life (except for a few years as Resident in Mysore) working among the rural masses as Settlement Officer, Settlement and Financial Commissioner. He had a unique knowledge of the people and though shy and unpretentious in manner, had their confidence and affection to an extraordinary degree."[2] It was therefore perhaps tactless of Thorburn to have quoted as typical of the doctrinaire official attitude a comment made by Sir James, when Settlement Commissioner, on the expropriation of the Muhammadan peasant proprietors of the Indus valley by Hindu money-lenders. " All we can do " (he had said) " is to amend anything in our revenue system which tends to hurry on the process. Only a minority of these men have proved fit for the improved status which we gave them ; the majority will descend in time into the position which suits them—of mere tillers of the soil, with enough to live upon, but no credit to pledge, and no property to lose. Their original position under native governments was little better than this. It is, of course, the too frequent elevation of the despised *Kirar* or Hindu money-lender over the heads of a naturally dominant Muhammadan population, which is the worst part of the change."[3] This allusion seems to have affected the tone of Sir James' reply, which while

[1] *Thorburn, P.P.W.*, 252.

[2] *O'Dwyer*, 29.

[3] *Thorburn, M.M.*, 87.

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admitting the truth of many of Thorburn's contentions, gives no word of appreciation for the self-sacrificing spirit which inspired them. "A good deal of the volume" (so ran the reply) "appears to Sir James Lyall not to be written carefully or precisely enough to form a good State paper."[1] So it may have appeared to the King of Jericho that Joshua's rams horns were not blown carefully or precisely enough to form a harmonious band. But (Joshua might have retorted) they were good enough for the purpose for which they were intended.[2] And so was the *Musalmans and Moneylenders*. The recommendations of the Famine Commission might be conveniently consigned to the Secretariat waste-paper basket, but the soul-animating strains of Thorburn vibrated through the Province and throughout India. Others answered to the call. The Punjab peasant found protagonists in high places. The question remained a live one. It is alive to-day.

Thorburn's proposals.

Musalmans and Moneylenders was the first complete survey of the rural economics of the Punjab. It pointed out the disastrous consequences which had followed on the sudden bestowal of full proprietary rights on an illiterate peasantry when these rights were governed by the technicalities of English legal concepts. For the protection of these innocents he proposed a number of reforms in legal procedure, based mainly on those which had been so successfully applied to the Bombay Dekhan.[3] These included the exemption of the agriculturist from attendance in Court at the time of the spring harvest,[4] the extension of the period of limitation,[5] the exclusion of legal practitioners from the lower Civil Courts,[6] the revival of the old village committees of elders under the title of Rural Conciliators.[7] He denounced the unnecessary and profitless imprisonment of an agriculturist merely to enforce payment of a debt. This had already aroused the indignation of Colonel Wace. Obviously frightfulness of this kind would either incapacitate the debtor from paying, or throw him into worse debt.[8] He recommended

[1] *Selections*, 43.

[2] cf. Proverbs, xiv. 4: "Where no oxen are, the crib is clean: but much increase is by the strength of the ox," which may be thus modernised: "The fact that a member of the Secretariat has no work in arrears does not necessarily prove that he is getting anything done."

[3] pp. 328-9. [4] p. 319. [5] p. 320.

[6] *Thorburn, M.M.*, 140-1; 152-3.

[7] *Selections*, 57-8. [8] *Thorburn, M.M.*, 140.

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the admission as evidence of only such money-lenders' account books as were kept in a form which would render fraud less easy.[1] A still more reliable preventive might be obtained through the Registration procedure. Shortly after the Mutiny had drawn attention to the value of the peasant and the uselessness of the money-lender to the administration in its day of trial,[2] the rule was introduced that only those bonds for over fifty rupees would be admissible as evidence which were registered. This rule, which acted as a salutary check on the manufacture of fraudulent bonds, disappeared with the introduction of the Chief Court and the Registration Act of 1866.[3] The priority given to registered over unregistered deeds under this Act put a premium on dishonesty, as it instigated debtors to repudiate their unregistered documents and make use of the same security twice over.[4] The new Act favoured the money-lender by the provision of facilities for the "special registration of obligations for the payment of money", after which the money-lender could recover his debt by summary process. This harsh provision was abolished in 1871. As further amended in 1877 the law made "the registration of instruments affecting immoveable property, worth Rs. 100/- and upwards, compulsory, and left that of most others optional. Further, it provided that in the former case, when the law had not been complied with, unregistered documents should not be received as evidence, and that registered documents should take effect against unregistered and, *a fortiori*, against oral agreements. Notwithstanding the superiority of registered over unregistered documents, the number of the former, in cases in which option is permitted," steadily decreased, bonds for small amounts being hardly ever registered.[5] In the case of unregistered bonds or deeds or balances of account struck in money-lenders' books, there was no security that the debtor knew what he was doing, when he settled his accounts.[6] Since the registration of bonds for more than fifty rupees had ceased to be compulsory, the manufacture of false bonds had gradually become a profession.[7] Accordingly Thorburn recommended a reversion to the old

[1] p. 318; *Selections*, 56, 73. [2] p. 217.

[3] Introduced into the Punjab in 1868. See Punjab Registration Manual, 1919, Introduction.

[4] *Thorburn, P.P.W.*, 249. [5] *Thorburn, M.M.*, 150-1.

[6] *Selections*, 64. [7] *Thorburn, M.M.*, 135-7.

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rule,[1] with the special provision that registering officers should satisfy themselves by personal enquiry from the executant, that consideration had actually been paid him, and failing a satisfactory reply, should refuse to register the bond.[2] To facilitate registrations of this nature he recommended the organisation of an establishment of Village Registrars. His recommendations were not acted upon.

Prices and indebtedness

Rising prices are an important factor in diminishing the load of debt. Neither the Moguls nor the East India Company debased the silver rupee, but the depreciation of silver made the rupee prices of food grains in the middle of the nineteenth century five times what they had been two centuries before.[3] Thus prices doubled themselves every eighty years, a not insignificant diminution of the burden of indebtedness. But in the forty years succeeding 1850, though there were large decennial fluctuations, decennial averages remained almost constant.[4] Nothing could have operated more effectively to encourage indebtedness, for rising prices encouraged extravagance in the peasant, and falling prices plunged him into debt, the dead weight of which remained unchanged. The development of communications brought the Punjab under the influence of world prices, which rose after the dislocation of trade caused by the American Civil War.[5] These rising prices prevented the introduction of the Chief Court and pleaders into the Province in 1866 from increasing agricultural indebtedness till after 1869 when prices began to fall. This reaction, which in Bombay led to the Dekhan riots, was marked by a steady growth of indebtedness in the Punjab. This indebtedness was hardly checked by the rise in prices which followed on the Famine of 1876-78, as the benefit of these high prices was offset by the disastrous effects of famine. But with the second reaction that gloomy period succeeded which called forth the indignant protests of Thorburn. The burden of indebtedness represented an

[1] *Thorburn, M.M.*, 151. [2] *Selections*, 57.

[3] Ignoring temporary fluctuations, Jehangir's rupee purchased seven times as much food as the pre-War rupee, i.e., five times as much as the 1850 rupee (p. 136).

[4] This is brought out clearly by the admirable Smoothed Curve of Punjab Food Prices for which I am indebted to the courtesy of Professor Myles of the Punjab University. This shows that during the years 1850-90, prices oscillated decennially about a fixed average.

[5] which ended in 1865.

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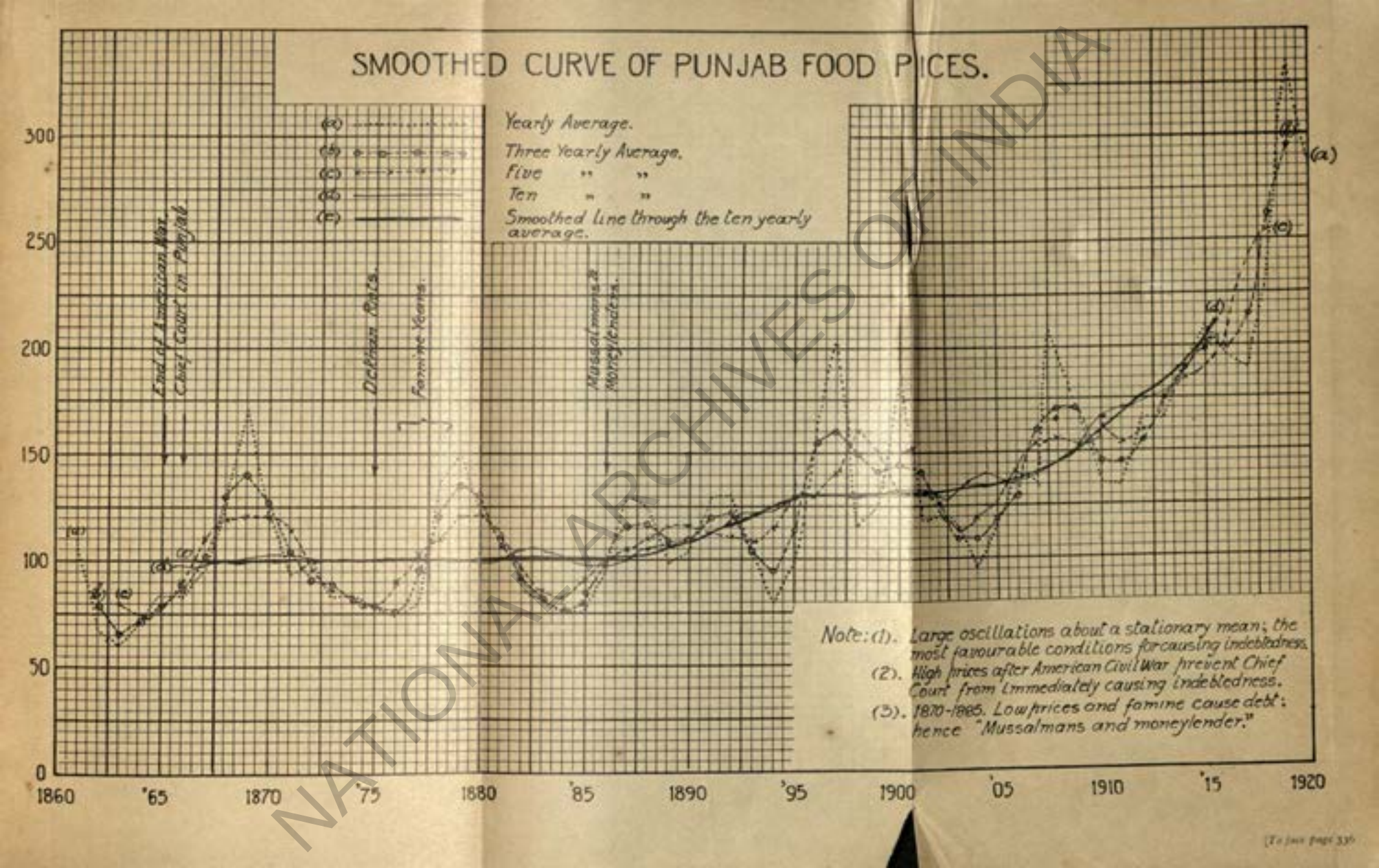

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artificial and unhealthy flow of capital towards the land, to be expended not on its development but its acquisition. For on the *petite culture* of India as then established, the expenditure of anything that could be called capital was practically unknown, save in the construction of means of irrigation.[1] And in the Punjab irrigation was generally too big a business to be undertaken by any private individual.

Thorburn's insolvency proposals.

It was to remove this burden of indebtedness that Thorburn made his insolvency proposals. Under the system in vogue the indebted peasant handed over all the produce of his fields to the local Shylock, who then returned to him just sufficient to keep him and his family from starvation. As the money-lender kept the accounts the peasant never escaped from the pit thus digged for him, and the burden was handed down to his descendants. Thus no amount of toil on the part of the peasant would benefit anyone but the money-lender; and the system only differed from slavery in the indifference shown by the Punjab money-lenders to the physical and material welfare of their human chattels. To remedy this Thorburn proposed that for all serious cases of indebtedness insolvency proceedings should be taken by Revenue Officers, who would estimate the amount which the debtor might reasonably be expected to pay each harvest for a limited term of years, after which he would be entirely free from all liability. These proposals, if accepted, would have transformed the debtor from a serf to a rent-payer, while at the same time deterring money-lenders from making loans indiscriminately.[2]

Alienation of land to Money-lenders.

Perhaps the most fruitful[3] of Thorburn's proposals, however, was the one which aimed at restricting more effectively the transfer of land from agriculturists to money-lenders. It had always been the policy of the Punjab Government to discountenance such transfers. In 1852 the Board of Administration "had issued a circular requiring a landowner, who wished to sell his land, to offer it, in the first instance, to the whole village community or to some individual co-parcener, at a reasonable rate to be fixed by agreement, failing which the revenue officer and three assessors were to determine the fair value". In 1858 the Commissioner's sanction was required for the sale of ancestral

[1] *Memorandum*, 49. [2] *Selections*, 45, 69, 70. *Thorburn*, 196-7.
[3] It ultimately resulted in the Land Alienation Act of 1900.

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or joint property in land in satisfaction of money debts. In 1859 that of the Judicial Commissioner[1] was required. Afterwards the Financial Commissioner[2] became the authority to whom proposals had to be submitted. "Since 1866 no interest in land could be sold in satisfaction of money debts without such sanction. The first Civil Procedure Code (1859) confirmed the power of the Civil Courts to attach agricultural land in execution of decrees, but this code was not extended to the Punjab until 1866, and the sections relating to the attachment and sale of agricultural land were subject to special modifications in the Punjab." In practice applications to sell land were discouraged by the Financial Commissioner, who hardly ever granted them the land when it was ancestral and seldom when it was acquired. They were consequently few in number; "and the execution of decrees against agriculturists was practically confined (in the absence of mortgages with conditions of foreclosure of sale) to execution against the movable property or person of the debtor." "An active and persevering decree-holder could often bring pressure in these ways on an agriculturist debtor so as to drive him into selling or mortgaging part of his land by private contract; but as the Courts of execution were not disposed to press agriculturist debtors too hard, this did not generally succeed. Later amendments of the Civil Procedure Code, however, exempting movable necessaries, made this method of compulsion more difficult to decree-holders"; but the very difficulty of bringing pressure to bear on debtors in this way led money-lenders to discover a legal technicality by which land could be attached and temporarily transferred to them. Such temporary transfers tended to become permanent, and in this way the whole system of restrictions devised by the Punjab Government was gradually circumvented.[3] The result tended to justify the alarmist attitude of Thorburn. Doubtless the position was considerably better than was the case in the North-Western Provinces, where in ten districts taken at random in 1873, money-lenders held 27 per cent of the total area as against 10 per cent thirty years earlier, and where in one district[4] nearly half the area had changed hands between 1851 and 1881.[5] Nevertheless in spite of the endeavours made

[1] p. 293.
[2] p. 231.
[3] *Selections*, 45, 68; *Calvert*, 123; *L.A.M.*, 23, 51; *Memorandum*, 22.
[4] Moradabad.
[5] *Memorandum*, 33.

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by the Punjab Government to restrict alienation, a very careful enquiry made in 1888 led to the conclusion that there had been a large and steady increase in alienations and that 8 per cent of the cultivated area was in the hands of mortgagees. A far more serious state of affairs obtained in individual districts. In the three eastern tahsils[1] of Ambala, a quarter of the total area changed hands during thirty years, over a half of this to money-lenders. In the Gujranwala tahsil, a favourite recruiting ground for the native army, in twenty-two years money-lenders had acquired possession of one-fifth of the whole cultivated area, consisting for the most part of the very best portions.[2] In considering these statistics it should be borne in mind that the area of land actually transferred by no means exhausted the area in which the proprietor's interest was lost virtually beyond recall. The successive stages in the process of the peasant's enslavement, were, first debt, then simple hypothecation and usufructuary mortgage, and finally sale. The amount of debt, for which, as the law stood, the land was liable, was even then enormous, and much of it of such a nature that it must inevitably pass through the further stages to the final conclusion of sale.[3]

Resultant political evils.

But it was the political, rather than the economic, evils resulting on these transfers which caused most anxiety to Government. In the North-Western Provinces the great landlords, who were intimately connected by caste or family tradition with the land and with its cultivators, who had lived among their tenantry often for

[1] Perhaps a personal reminiscence may give colour to these somewhat dry statistics. In 1917, when I was on recruiting duty in one of these tahsils a large number of Muhammadan Rajputs who volunteered were rejected as unfit by the regimental officer. The device was then adopted of feeding them up for three months before despatch to the regiment, which then gladly accepted them. In fact these lads were half-starved and gladly enlisted to get food and clothing. Yet they were the sons of peasant proprietors cultivating their own land in one of the most fertile tracts of the Province. These peasants had got into debt, and had therefore to endure the sight of seeing fat, sleek, money-lenders carrying off the grain they had so toilfully raised and so urgently needed for their underfed children. As one of their leaders expressed it (apropos of a Veterinary Assistant then touring in the neighbourhood), "You English take great thought for the breeding and feeding of oxen and asses, but you take no interest whatever in the breeding and feeding of man, though he is an animal just as valuable for the purposes of agriculture as an ox or an ass."

[2] *Memorandum*, 34.

[3] *Memorandum*, 48.

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generations and whose relations with them were regulated by custom and good feeling, were being " displaced by a class of *novi homines*, always unconnected by tradition with the soil, often foreigners to the province, not seldom by no means too well disposed towards the Government, and generally hard and unsympathetic as landlords, regarding their estates as an investment, and their tenants as the milch-kine from whom was to be drawn the highest possible return for their capital ". But in the Punjab where the displaced landowners were small yeomen cultivating their own land the evil was still more serious. The bonds of caste, and the hereditary nature of occupations forbad to these classes any other means of earning their livelihood, and so the expropriated owner lived on as a tenant in the homestead where he and his ancestors formerly ranked as landowners. His unwillingness to leave his old home made him ready to agree to a higher rent than would be accepted by anyone who had not the same personal motive. These impossible rents only plunged him deeper in the mire, to be eventually ejected and sink to the position of a labourer on the land of others, unless a still unbroken spirit urged him to join a band of robbers.[1] The growth of such bands was facilitated by the breakdown of the authority of the village communities. Villages no longer formed harmonious brotherhoods, united in the pursuit of the common weal, but were rent into bitterly hostile factions, whose feuds, fanned by the subtle lawyer, after a preliminary skirmish in the Courts, were too often finally determined by the axe or the knife of the assassin. The worst disorders were on the outskirts of the Province. In the central Punjab the position was relatively satisfactory. The Jat Sikhs who formed a considerable proportion of the population were particularly astute agriculturists and their proximity to the administrative and judicial centre of Lahore had enabled them to acquire a sufficient acquaintance with the mysteries of the law to protect them from the evils which afflicted the rest of the Province. The rules and orders of the centralised executive government were mainly framed to meet the conditions of the central Punjab, and when the Chief Court condescended to take " judicial notice " of any psychological question not contained in a law book, it generally based its presumptions on the customs of the central Punjab. In the south-east Punjab

[1] *Memorandum*, 50-2.

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the Hindu agriculturist was in a parlous state, but he had no organisation wherewith to fight the money-lending interest, and consequently Government tended to lump him with his oppressors under the common title of Hindu. In the western Punjab, however, the peasantry had the nucleus of an organisation in a common faith, which branded the usurer as a being hateful to God and man. There the money-lender did business at a considerable risk[1] of being murdered by his clients. It was in the west therefore that the problem first began to acquire political importance.[2]

The Punjab peasantry and the Russian menace.

The matter was rendered the more serious by the fact that two-thirds of the Indian army was now recruited from the Punjab peasantry. On his fields or in his cottage the peasant is the most helpless of all the subjects of a large State. Once the elementary organisations of the tribe and the village community have broken down, he remains an isolated unit, who pays the expenses of and provides the plunder for raiders and moss troopers, or their modern equivalents, lawyers, money-lenders, catchpoles, and bum-bailiffs. He has not the wherewithal, nor does he know the way, to bribe influential State officials, nor can he threaten them with Press articles, mass meetings, or mob violence. Consequently most organised States have been machines for the plunder of the peasant for the benefit of the urban population. Their attitude is graphically described by the Hebrew prophet. "I will go up to the land of unwalled villages; I will go to them that are at rest, that dwell safely, all of them dwelling without walls and having neither bars nor gates, to take a spoil, and to take a prey."[3] And the peasant is helpless as long as he is chained down to his fields. While he continues to do his duty to the State, the State ignores him; it is only when, in desperation, he betakes himself to the hills, to the fens or the merry greenwood, that he becomes important politically. But it is in times of war that he is really appreciated. Then the State requires that man-power which

[1] A risk which would naturally raise the rate of interest, and so increase indebtedness and therefore also the murder rate, and so on in a vicious circle.

[2] *Selections*, 51, 61; *L.S.B.I.*, Vol. II, 625; *S.M.*, 127; *Memorandum*, 54, 57.

[3] Ezekiel, xxxviii. 11.

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only the peasant can supply.[1] For a short time the State rings with his praises :

> Its Tommy this, an' Tommy that, an' Tommy fall be'ind,
> But it's "Please to walk in front, Sir," when there's trouble in the wind,
> It's Tommy this, an' Tommy that, an' "Chuck him out, the brute!"
> But it's "Saviour of 'is country" when the guns begin to shoot.[2]

It was on the English peasantry that the victor at Agincourt relied,

> You, good yeomen,
> Whose limbs were made in England, let us swear
> That you are worth your breeding; which I doubt not;
> For there is none of you so mean and base,
> That hath not noble lustre in your eyes.[3]

Contrast his attitude with that of the peace-loving Edward IV, who had eyes only for the fat merchants of London and their buxom wives. Under the stress of war therefore the peasant—the despised boorish rustic—suddenly becomes of importance and remains so till the war ends. Then the army of organised peasantry, no longer invaluable, becomes a nuisance to the Government which has enlisted it. Carthage, a State run on strictly business lines, with a Finance Department which exercised a strict control over all branches of expenditure, solved the problem by decoying its mercenary armies into situations where they could be easily drowned, massacred or otherwise got rid of before they had time to cash their pay-bills. Rome, however, found her armies more difficult to dispose of; and the later history of the Roman Republic describes the endeavours made by an urban government to deal with peasant armies led by ambitious generals. Ultimately the Roman Empire fell through the revolt of its peasantry against over-urbanisation. "The main operative cause of the third-century troubles is to be sought in the growing hostility of the rustic populations to the urban. First, the mass of countryfolk were natives of their several neighbourhoods. They were Roman subjects, at most very

[1] This is not of course strictly true of the special conditions of the industrialised portions of Modern Europe.

[2] Kipling: *Barrack Room Ballads.*

[3] Shakespeare: *Henry V*, iii. 1.

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slightly Romanised, in many parts not Romanised at all. Infinitely various, they were essentially barbarian, foreign to the imperial Greco-Roman culture, which was confined to urban centres. In the government of the cities they had no voice, and their interests were disregarded. For instance, the burdens of military service were more and more devolved on them. In districts that happened to be seats of war the peasants suffered cruelly; and the mere transit of an army on its way to the front was hardly less of a calamity. For it was the irregular requisitions of food and animals for transport, etc., that robbed them of present resources and extinguished hope. Secondly, the army, as being a peasant army, was likely to be sooner or later affected by the hatred of the oppressed peasantry for their urban rulers. A change in the attitude of the central power toward the bourgeoisie of the cities set going the movement which ended in the military anarchy."[1] Like the Roman Empire the British Empire in India was engaged in the forcible urbanisation of an unwilling peasantry. But in India the urban civilisation was not solely dependent on the peasant armies of the country for the maintenance of its supremacy, and the Mutiny had shown the helplessness of an Indian peasant army against British skill and military tradition. But a disloyal army might still be dangerous, were India invaded by a foreign foe, especially if the Frontier peasantry were also in a state of discontent. And the growl of the Russian bear now sounded ominously from beyond the Hindu Kush, arousing the British, if not the Indian, Government to a sense of the seriousness of the situation. In England the doctrine of *laissez-faire* had already suffered severely from the onslaughts of Trades Unionism on the one side, and Disraeli's Tory Democracy on the other. Even in Liberal circles it was no longer an article of faith, and the more enterprising political economists were hastening to abandon a ship which was manifestly sinking. Anglo-Indian[2] political thought, generally about a quarter of century behind that of England, had not yet reached this stage, and

[1] *Economic Journal* (December, 1926), 599-600. The whole question is examined at length by M. Rostovtzeff in his admirable *Social and Economic History of the Roman Empire* (Clarendon Press, 1926).

[2] i.e., that of those born in England, serving in India. The term is now also used for the Domiciled community, a usage which causes much confusion.

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Thorburn's philippics therefore met with a more favourable reception in England than in India. Slowly, however, the pressure of English public opinion made itself felt, and the end of the nineteenth century witnessed an increasingly sympathetic attitude towards the peasantry on the part of the Central and Provincial Governments in India.

Changed attitude of the Chief Court.

The new policy found its echo in the Civil Courts,[1] which now began to take steps to protect peasant litigants. Rules were framed putting great difficulties in the way of the public sale of hereditary and jointly held land in execution of a decree.[2] A practice was also allowed to grow up under which were exempted from attachment and sale not only the house, wearing apparel, implements of husbandry, and plough and well bullocks specifically mentioned in the Civil Procedure Code, but also a portion of each crop, sufficient for the maintenance of the cultivator and his family until the next harvest.[3] The peasant was still further protected by ruling that the absence of free consent on the part of a borrower might be presumed from the bare facts of the borrower being a cultivator and the lender a village money-lender.[4] Moreover, the Courts accepted the principles that property in the soil was vested in a family and not in an individual and that the owner for the time being was not entitled to dispose of it how and to whom he would. From 1887 onwards this doctrine formed the foundation of a series of decisions by the Chief Court " on sales and mortgages by sonless proprietors, adoption, gifts, and pre-emption. But these decisions, valuable though they were, hardly affected the action of the great majority of landowners, and in no way reduced the seriousness of the problem which Government had to face."[5]

[1] *L.A.M.*, 12.

[2] *Thorburn, M.M.*, 123.

[3] *Thorburn, M.M.*, 124.

[4] Punjab Record, Civil Judgment No. 110 of 1879; see also *P.A.R.*, 1183.

[5] *L.A.R.*, 13.

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CONCLUSION

A DETACHED study of Indian Economic history lends support neither to the theory of a Golden Age destroyed by a brutal British Government nor to that of a country plunged in Cimmerian darkness till it first received enlightenment from Europe. It rather indicates a complex civilisation to which Hindus, Muhammadans, Sikhs and British have all contributed valuable elements, though in each case those elements have suffered from the defects of their qualities.

The Punjab itself, situated on the edge of the monsoon area, was a country, the great agricultural possibilities of whose soil were always limited by a lack of water. Early agriculture was therefore confined to the submontane area and the river valleys, a tract which in primitive times was probably more extensive than to-day. This agriculture, based mainly on wheat, bred up a manlier race than the rice-fed populations of Bengal and South India and one whose hardiness was accentuated by the rigour of the climate and the invasion of hardy nomad races from central and western Asia. These nomads were organised in clans of kindred on the quasi-military patriarchal system, an organisation which was imposed by them on the village community of the early agriculturists, and which gave it a strength and coherence which was hardly attained anywhere else in the world. And for ninety per cent of the population all interest, social, political and economic, was bounded by the village. The grave dignified procedure of the committee of elders, the more unconventional methods of the village assembly, occasional difficulties with the village menials, these formed the normal politics of the self-sufficing village. Occasionally a nightmare would burst in on this happy little life, a fell disease, an army on the march, a king or a royal official who refused to be satisfied with a reasonable share of grain. More destructive still were the nomad invasions from Central Asia, which nevertheless repeatedly repeopled the Punjab with vigorous stocks. But though the majority of the Aryan invaders

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settled in the Punjab, the institutions which are generally associated with them—the Hindu kingship with its Brahmin advisers—developed in the Ganges valley to the east; and their influence over the Punjab was far less than over the rest of India. This separation of the Punjab from the rest of India was accentuated by further nomad invasions and by the growth of Buddhism. But with the decay of Buddhism a new and more popular, though less elevated, form of Hinduism arose, with the caste system and ritual rules which have characterised it ever since.[1] But in the Punjab tribal feeling remained strong, with its joint ownership of the village, its respect for military prowess rather than ceremonial sanctity, and its customary law which owed more to primitive nomad morality than to Brahmin innovation. Nor did the quasi-feudal Rajput kingdoms spread much into the Land of the Five Rivers, which remained for the most part under tribal government, during the critical years between 600 and 1000 A.D.

In a sense the Muhammadan invasions were merely a repetition of the nomad inroads which had always characterised the history of the Punjab. But they were a repetition with a difference, and that difference was a vital one. The older invaders had allowed themselves to be absorbed into the Brahmin system, whose caste prejudices were so fatal to military efficiency. And though Brahminical influence was weaker, and nomad tribal tradition stronger, in the Punjab villages, yet even there the Hindu system for the most part prevailed. But the Muhammadan invaders brought with them a faith that allowed of no compromise with Brahmin tenets. To the caste system it opposed the equality of all believers, and the inferiority of all others, whether Brahmins or non-Brahmins; to cow-worship it opposed cow sacrifice, to an army graded on caste principles one in which each private carried a marshal's baton in his knapsack; above all to a medley of conflicting gods all acting at cross purposes,

[1] This attempt to co-ordinate (and possibly refine) popular cults with a less ritualistic religion has its parallel in the Greece of the end of the classical period when "the 'reasonable' cult of the Olympian divinities was superseded in many serious minds by the more 'religious' mystery rites; and in Ezekiel's incorporation of old Semitic rites into the Jewish Church, giving them a new symbolic value. There is a similar movement amongst Anglo-Catholics to-day in the Church of England." (See Nairne, *Faith of the old Testament*: Longmans Green & Co., 1923.)

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it opposed belief in one God, whose law was righteousness. Politically, however, Islam introduced no new principle. The Muhammadan kingdoms, and in particular the Mogul Empire, were moulded on the usual lines of oriental (and in particular Hindu) monarchies, and Akbar's attempts at administrative reform became unworkable with the continued expansion of the Empire. This expansion prepared the way for collapse, a collapse which was hastened by the fervid monotheism of Aurangzeb to whose influence must however mainly be attributed the conversion to Islam of nearly all the agricultural tribes of the Western Punjab and of many other parts. But just as the militancy of early Islam had provoked Christendom into the reaction of the Crusades, so the persecuting spirit inaugurated by Aurangzeb evoked a bellicose spirit amongst the Mahratta peasantry of the Dekhan and turned a quietist sect of Hindu monotheists in the Punjab into the Church Militant of the Sikhs. Though alienated from orthodox Hinduism by a democratic spirit which repelled the exclusive Brahmins and Rajputs, the military organisation of the Sikhs was nevertheless consecrated to a long and eventually successful struggle with Islam. At the end of the struggle the quasi-tribal democratic Sikh leagues were consolidated by the genius of Ranjit Singh into a strong Sikh kingdom, which, after his death, only succumbed to the British after harder fighting than the latter had previously experienced in India.

The most pressing problem facing the British on annexation was that of Land Revenue, which had from the earliest times constituted the only material item in the State revenue. The Hindu kings had taken a share of the produce of their demesne lands not generally exceeding a quarter, measured by the village accountants and collected in kind by the village headmen. A similar procedure was followed by their subordinate chiefs, in the lands delegated to them, in return for certain feudal services. This procedure was adopted and systematised by the Muhammadan invaders, who, however, were less restrained in their demands from those whom they regarded as infidels. A radical modification was introduced with Akbar's cash assessments, under which the State took a lump sum from each holding instead of a share of the produce. But his system was too complicated. It necessitated the employment of a large staff of subordinate officials, who

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toured about measuring the cultivated land, " assessing " the cash sums payable. After Akbar's death these officials got out of control, the " assessments " were gradually abandoned, it being more satisfactory for all parties to agree to a lump sum payable by the village for which the headmen were responsible. As the Mogul Empire became more unwieldy in size and less efficient in administration, larger and larger areas were granted out to revenue farmers, who became responsible for the land revenue, which they themselves recovered from the villagers. The system lent itself to extortion, and on their arrival in Bengal the British found the land revenue practically equivalent to an economic rent. By the limitation of their demand the British created a transferable proprietary right in land vested in owners responsible for the land revenue. In Bengal and Oudh this ownership was generally conferred on the old Mogul revenue farmers or their successors, in Agra and the Punjab on the members of the joint village communities. In the Punjab, the Sikhs had brought the Mogul Empire to an end, before a class of revenue farmers had time to arise. The Sikh administration was itself hostile to large landowners. Where such had survived the British generally limited their claims to a percentage on the land revenue. Meantime " Settlement Officers " were appointed to decide on the amount of land revenue due on each parcel of land, and who in each case should be responsible for it. Cash assessments were fixed for terms of twenty or thirty years after which reassessments were made. As a corollary to this a valuable register of land titles was drawn up for all agricultural land throughout the Province and steps were gradually taken to keep it up to date.

In spite of the defects incidental to a fixed land revenue, which was rigorously collected every year whatever the character of the harvest, the British land revenue system was nevertheless an improvement on anything that had preceded it. The cultivator knew how much he had to pay, and he was secured against further exactions authorised or unauthorised. The *Pax Britannica* allowed him to cultivate his fields in peace, while the construction of roads and railways made extra cultivation for outside markets profitable. The introduction of British rule was therefore accompanied by a sudden burst of prosperity, and the gratitude of the Punjab peasantry was shown in their loyalty at the critical period of the Mutiny.

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Their credit rapidly expanded. Not only were they now proprietors, but their land was more valuable, and their rights were definitely recorded. The money-lenders gladly advanced money on such an excellent security. With rising prices all went merrily, and nemesis only set in about 1870 when prices fell, and the newly created Chief Court applied the strict letter of English legal theory to the relations between debtor and creditor. Indebtedness rapidly increased, leading often to the alienation of land to the money-lender. The exuberant loyalty of the peasantry was chilled and the problem began to receive the serious attention of the Punjab Government.

Thus the end of the nineteenth century saw the Punjab, like Renaissance England, in a condition hardly worthy of either her heroic past or her splendid future. A Province of small peasant proprietors, whose agriculture was deteriorating with their rapidly increasing indebtedness, it was characterised in the political jargon of the time as "backward". Economically it suffered from the Hindu aversion to any attempt to improve the breeds of cattle which might involve the slaughter of the inefficient; from the Muhammadan aversion to finance involving the taking of interest, which was confused with usury[1]; and from the British adherence to a pedantic legal system and a pedantic economic theory.[2] But already the forces were present in embryo which were to start the Province on its path of economic progress. Great irrigation schemes were in progress or under consideration. That sympathetic attitude towards the peasantry was already manifest, which was to show itself in the Alienation of Land Act, the spread of Co-operation, the rewards given for services rendered in the Great War, and finally in the Agricultural Commission of Inquiry. Had Thorburn been gifted with the spirit of prophecy, he might have invoked the wind blowing from the western plains of his beloved Mussalman peasantry in the words of the English poet :

[1] The distinction is clear. Interest is the market price paid for the loan of money under conditions of free competition; usury is the price which a needy debtor is forced to pay by a creditor, when he has no alternative to accepting the creditor's terms.

[2] It is not meant to imply that the sacrifices incidental to such religious, legal, or economic theories should not be made; but merely to point out that as a matter of fact these theories did involve economic sacrifices.

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Drive my dead thoughts over the universe
Like withered leaves to quicken a new birth;
And, by the incantation of this verse,

Scatter, as from an unextinguished hearth
Ashes and sparks, my words among mankind!
Be through my lips to unawakened earth

The trumpet of a prophecy! O, Wind,
If Winter comes, can Spring be far behind?[1]

[1] Shelley, "Ode to the West Wind".

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APPENDIX I

CHRONOLOGICAL TABLE

(This does not pretend to be exhaustive. Only a few leading Indian dates are given with contemporary events elsewhere, selected as far as possible on account of some similarity which will enable them to be easily remembered. Dates marked * are conjectural.)

INDIA.		OTHER COUNTRIES.	
B.C.		B.C.	
1600*	*Nomads in India.* Aryan invasions.	1600	*Nomads ejected from Egypt.* Expulsion of Shepherd Kings.
1000*	*Kingdoms* founded.	1095	Saul first *King* of Israel.
550–500	*Religious revival in India.* Buddha.	800–500	*Religious revival in Israel.* The Hebrew prophets.
327	*Greek invasion* of Punjab by Alexander the Great.	282	*Greek invasion* of Italy by Pyrrhus King of Epirus.
A.D.		A.D.	
78–123*	Kushan *empire at its greatest extent* under Kanishka.	96–117	Roman *empire at its greatest extent* under Trajan.
528	Mihiragula, the *Hun*, the *Attila* of India, overthrown.	451	Defeat of *Attila*, King of the *Huns* by the Romans at Tours.
713	*Arab* invasion of India. Sack of Harappa by Muhammad-bin-Kasim.	749	Break up of the *Arab* empire. Overthrow of the Omayyads by the Abbasids.
1026	Muhammadan *invasion* of India. Sack of Somnath by Mahmud of Ghazni.	1066	Norman *invasion* of England. Battle of Hastings.
1192	Muhammad Ghori takes Delhi.	1192	Richard Cœur de Lion attacks Jerusalem.
1398	Tamerlane *with a small force defeats the vast host* of the King of Delhi at Panipat.	1415	Henry V *with a small force defeats the vast host* of the King of France at Agincourt.
1526	Mogul *connection with India begins.* Baber conquers Hindustan.	1498	European *connection with India begins.* Vasco da Gama rounds the Cape.

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1556–1605	*State religion inaugurated as a compromise* between Islam and Hinduism. Reign of Akbar.
1605–1627	*Reign of* Jehangir.
1658–1707	Aurangzeb's *reign ruins* the Mogul *Empire by over-expansion.*
1739	Nadir Shah's Afghan *Highlanders retire from* Delhi.
1757	Clive's *victory* at Plassey.
1774–1785	India *gained for the British.* Governor-Generalship of Warren Hastings.
1781	Warren Hastings' decisive victories over Sindhia and Haidar Ali.
1786–1793	The *reward* of incompetence. Cornwallis Governor-General.
1809	British treaty with Ranjit Singh "against *Napoleon*".
1839	*Death* of Ranjit Singh.
1857	Indian Mutiny consequent on *decline of British prestige in the East.*
1866	Effects of introduction of Chief Court and Pleaders into Punjab neutralised by *high prices.*
1868–1886	*Laissez-Faire* in the Punjab at its height. Famines and Indebtedness.
1886	*Attack on Laissez-Faire in India.* Thorburn's *Musalmans and Moneylenders.*

1558–1603	*State religion inaugurated as a compromise* between Protestantism and Catholicism. Reign of Elizabeth.
1603–1625	*Reign of* James I.
1661–1715	Louis XIV's *reign ruins* the French Kingdom *by over-expansion.*
1745	Prince Charles Edward's *Highlanders retire from* Derby.
1757	Pitt's *victorious* administration begins.
1775–1783	America *lost by the British.* War of America Independence.
1781	Cornwallis surrenders Yorktown to Americans.
1785–1795	The *reward* of merit. Warren Hastings impeached.
1809	*Napoleon's* empire at its height.
1837	*Accession* of Queen Victoria.
1854–1856	Crimean War resulting in *decline of British prestige in the East.*
1865	*High prices* at end of American Civil War.
1868–1886	Apotheosis of *Laissez-Faire* in England. Gladstone's Ministries.
1886	*End of Laissez-Faire* in England. Downfall of Gladstone.

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APPENDIX II

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PUNJAB TEMPERATURES

Station.	Mean Maximum Temperature.		Mean Minimum Temperature.		Record Temperature.			
	May.	June.	December.	January.	Highest.	Month.	Lowest.	Month.
Simla	72.1	73.1	39.3	35.9	93.4	May	17.1	February
Murree	75.8	81.4	38.6	34.9	102.0	June	12.0	January
Delhi	104.0	103.3	48.9	47.9	118.0	June	32.5	January
Hissar	106.5	106.8	42.8	42.7	121.1	May	29.0	January
Patiala	102.1	101.8	44.3	44.0	115.0	June	30.6	February
Ambala	103.7	102.7	43.1	43.3	117.6	May	30.7	February
Ludhiana	103.9	104.7	44.4	44.4	119.0	May	24.0	December
Lahore	104.9	107.1	41.1	41.5	120.3	May	29.2	December and January
Sialkot	102.4	105.1	42.2	42.7	120.0	June	28.5	December
Rawalpindi	97.9	103.6	37.4	38.1	118.0	June	23.9	December
Khushab	103.8	107.3	41.6	41.5	122.6	June	25.0	January
Lyallpur	102.8	106.1	39.6	39.4	118.8	May	26.7	December
Montgomery	106.4	108.7	42.6	42.0	121.9	May	27.5	January
Multan	106.6	108.3	45.1	44.0	121.3	May	29.0	January

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APPENDIX III[1] (pp. 2-3)

PUNJAB RAINFALL DISTRIBUTION

District.	Monsoon, June to September.	Winter, December to March.	Annual.
	Inches.		
Punjab East and North			
Hissar	12.21	1.87	15.26
Rohtak	18.30	2.07	19.76
Gurgaon	18.89	1.85	22.08
Karnal	18.44	2.74	22.67
Ambala	27.87	4.35	34.24
Jind State	16.80	2.38	20.67
Bikaner State	9.20	1.17	11.48
Patiala State	14.73	2.79	19.02
Nabha State	13.35	2.58	17.18
Kangra	47.11	9.14	59.37
Hoshiarpur	24.26	5.33	31.48
Jullundur	19.56	4.12	25.37
Ludhiana	19.48	3.55	24.73
Ferozepore	11.22	2.24	14.56
Lahore	12.34	2.70	16.30
Amritsar	16.35	3.85	21.77
Gurdaspur	26.94	6.70	75.80
Sialkot	20.51	5.10	27.78
Gujranwala	14.96	3.67	20.40
Sheikhupura	11.29	2.57	15.06
Gujrat	17.42	5.12	24.89
Jhelum	13.99	4.58	20.93
Rawalpindi	19.88	7.53	51.08
Attock	11.99	5.70	20.64
Simla	29.78	9.72	45.96
Punjab, South-West			
Shahpur	9.78	3.09	14.64
Mianwali	5.96	2.44	9.92
Montgomery	7.16	1.66	9.55
Lyallpur	8.22	1.66	10.99
Jhang	7.64	1.65	10.32
Multan	4.16	1.08	5.84
Muzaffargarh	4.52	1.30	6.53
Dera Ghazi Khan	3.23	1.25	5.40

[1] *P.A.R.*, 6.

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APPENDIX IV

LIEUTENANT-GOVERNORS OF THE PUNJAB (p. 219)

NAME.	ASSUMED CHARGE OF OFFICE.	REMARKS.
Sir John Lawrence, Bart., G.C.B.	1st January, 1895	(Aft. by creation Baron Lawrence, G.C.S.I.)
Sir Robert Montgomery, K.C.B.	25th February, 1895	(Aft. G.C.S.I.). Officiating. Confirmed 1st May, 1895.
Donald Friell MacLeod, C.B.	10th January, 1865	(Aft. K.C.S.I.)
Major-General Sir Henry Durand, K.C.S.I., C.B.	1st June, 1870	Died at Tonk, in the Dera Ismail Khan District, 1st January, 1871.
R. H. Davies, C.S.I.	20th January, 1871	(Aft. K.C.S.I., C.I.E.)
R. E. Egerton, C.S.I.	2nd April, 1877	(Aft. K.C.S.I., C.I.E.)
Sir Charles U. Aitchison, K.C.S.I., C.I.E.	3rd April, 1882	
James Broadwood Lyall	2nd April, 1887	(Aft. G.C.I.E., K.C.S.I.)
Sir Dennis Fitzpatrick, K.C.S.I.	5th March, 1892	
William Mackworth Young, K.C.S.I.	6th March, 1897	
Sir C. M. Rivaz, K.C.S.I.	6th March, 1902	
Sir D. C. J. Ibbetson, K.C.S.I.	6th March, 1907	And officiating 27th April to 19th October, 1905. Resigned 22nd January, 1908.
*T. G. Walker, C.S.I.	22nd May, 1907	(Aft. K.C.I.E., C.S.I.) Officiating to 12th August, 1907 and from 22nd January, 1908.
Sir Louis W. Dane, K.C.I.E., C.S.I.	25th May, 1908	(Aft. G.C.I.E.)
*James McCrone Douie, C.S.I.	28th April, 1911	(Aft. K.C.S.I.) Officiating to 4th August 1911
Sir M. F. O'Dwyer, G.C.I.E., K.C.S.I.	26th May, 1913	
Sir E. D. Maclagan, K.C.S.I., K.C.I.E.	26th May, 1919	

* Officiated for short periods only.

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APPENDIX V

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DIVISIONS AND DISTRICTS OF THE PUNJAB

The Province was not attached to any Presidency, but simply annexed to the British dominion. It was divided into seven divisions in charge of Commissioners, with headquarters at Ambala, Jullundur, Amritsar, Lahore, Multan, Rawalpindi and Leiah (Derajat), embracing twenty-four districts. These districts were Thanesar, Ambala, Simla, Kangra, Hoshiarpur, Jullundur, Ferozepore, Pakpattan (1852 Gugera, 1865 Montgomery), Lahore, Amritsar, Batala (1852 Gurdaspur), Wazirabad (1852 Gujranwala), Gujrat, Shahpur, Rawalpindi, Leiah (1861 Bannu), Dera Ismail Khan, Jhang, Multan, Khangarh (1861 Muzaffargarh), Dera Ghazi Khan and in 1852 Sialkot. The three additional districts of Peshawar, Kohat and Hazara, at first administered under the direct control of the Board of Administration, were formed into an eighth division about the year 1850. In February, 1858, the divisions of Delhi and Hissar were formally incorporated in the province of the Punjab, adding six to the twenty-seven original districts. The Thanesar district, however, was broken up in 1862, and divided between Ambala and Karnal (Panipat). The division of the Province into ten divisions and thirty-two districts continued for twenty-two years unchanged. In 1884, however, Commissioners were relieved of civil work, and the ten Commissionerships were reduced to six, those of Hissar, Ambala, Amritsar and Multan ceasing to exist; the districts of which they were composed being apportioned between the divisions of Delhi, Jullundur, Lahore, Rawalpindi and the Derajat. The Sirsa district was abolished and divided between the districts of Hissar and Ferozepore.[1]

[1] *P.A.R.*, 695.

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APPENDIX VI

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THE PRODUCE ESTIMATE

For let $a_1, a_2, a_3, \ldots . a_n$ be small areas over which the yield is uniform.

and let $y_1, y_2, y_3, \ldots . y_n$ be the yields per acre of those areas.

Then the actual outturn is

$$y_1 a_1 + y_2 a_2 + \ldots . y_n a_n \equiv \Sigma ya$$

But this does not equal the assumed outturn, i.e., the average yield $\times$ total area which is

$$\frac{1}{n} (y_1 + y_2 + \ldots . y_n) (a_1 + a_2 + \ldots . a_n) \equiv \frac{1}{n} \Sigma y \Sigma a.$$

NATIONAL ARCHIVES OF INDIA

GLOSSARY

(These vernacular terms are explained in full under the pages referred to. More detailed references are often given in the main Index, under their English equivalents.)

Values of letters in modern spelling, as commonly pronounced by the British in India :

ā : as in *palm*.	a : as in *man* or u in *up*.
e : as in *mate* or *hare*.	
ī : as in *police*.	i : as in *fit*.
o : as o in *pope*.	
ū : as oo in *pool*, *poor*.	u : as u in *put*.
ai : as i in *site*.	ao, au : as ow in *owl*.

There is generally no short e or o unless specially marked thus: ĕ, ŏ. Other vowels are pronounced short unless they are marked long. Ch, ph, th, sh, j, w, and y all follow the ordinary English pronunciation, but p-h, d-h and t-h are sounded separately. n is sometimes nasal (Fr. *bon*), e.g. in Bhonsla.

A.

Ab (water ; Persian), 8 n.2.
Abādī (inhabited site of village), 237 n.5.
Abwāb (cesses), 124 n.1, 181 n.4.
Adna Mālik (inferior owner), 251 n.4.
Agnī-Kula (Fireborn, class of Rajput clans), 88 n.6.
Aīn-i-Akbarī (Akbar's Gazetteer), 123 n.2.
Alā Lambardār (chief headman), 258 n.2.
Alā Mālik (superior owner), 174 n.4, 251 n.5.
Allah (God ; Arabic), 165 n.3.
Amalguzār (Mogul revenue supervisor), 123 n.4.
Amil (Mogul revenue supervisor), 123 n.4.
Am Jalsa (general meeting of village community), 175 n.1.
Azān (Muhammadan call to prayer), 210.

B.

Bāngar (high tract between two rivers), 9 n.1.
Bār (uplands between rivers), 9 n.3.
Batāī (rent in form of share of grain), 181 n.2, 254 n.4.
Bet (low-lying river valley), 9 n.1.
Burj (tower), 197 n.8.
Butā Shigāfī (clearing away jungle), 70 n.4.

C.

Chakdar (owner of land round well), 250 n.3.
Chahārum (share of land revenue of an estate), 184 n.3.
Chaudhrī (executive officer over subdivision of a district ; minor local chief), 38 n.1, 180 n.1, 257 n.2.
Chhotī Barsāt (little rain, thunderstorms in early summer), 3 n.2.
Chīr (a coarse pine, *pinus longifolia*), 242 n.4.
Chuhra (sweeper), 63 n.1.
Chumār (tanner), 63.

D.

Dhāyā (low-lying river valley), 9 n.1.
Dharnā (dhurna) (method of dunning), 78 n.2, 323 n.2.
Dīwān (revenue officer of a district), 176 n.4, 180 n.1.
Dīwānī (rights of civil administration), 143 n.4.
Dun (valleys between Siwaliks and Himalayas), 7 n.4.

E.

Ekka (yakka) (a light carriage), 83.

F.

Farāsh (drought-resistant tree, *tamarix articulata*), 9 n.5.
Fasli (harvest), 122 n.2.

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G.

Ghair-maurūsī (non-occupancy tenants), 193 n.2.
Ghar Jawāī (resident son-in-law ; Hindi), 73 n.3.
Ghī (clarified butter), 9 n.4, 278 n.1.
Grāmālekhak (ancient name for patwārī or village accountant), 37 n.5.
Gur (raw sugar), 103 n.4.

H.

Hākimī (revenue circle), 100 n.10.
Hālī (ploughman), 182 n.6.
Hamsāyah (client of Baluchi chief), 108.
Haqq Kasur (right of well-owner to produce), 250 n.4.

I.

Inām (allowance to leading men in village), 181 n.5, 184 n.2, 197 n.4.
Insāf (justice ; Arabic), 319 n.4.

J.

Jāgīr (land revenue assignment), 118 n.3, 149 n.3, 174 n.2, 193 n.5.
Jāgīrdār (assignee of land revenue), 149 n.3, 247 n.4.
Jhalār (Persian wheel used for lift irrigation), 187 n.1.
Jal (drought-resistant tree, *salvadora oleoides*), 9 n.5.
Jamabandī (record of rights), 238 n.2.
Jand (drought-resistant tree, *prosopis spicigera*), 9 n.5.
Jirgā (Frontier tribal committee of elders), 294 n.2.
Jiziya (poll-tax on non-Muhammadans), 112 n.3.
Julāhā (weaver), 63 n.2, 138 n.1.

K.

Kachh (short drawers worn by Sikhs), 168 n.7.
Kachchā) appointment on fixed salary, 120 n.1 ; (of houses built of sun-dried bricks), 317 n.2.
Kankar (nodular accretions of granulated limestone), xvi, 241 n.8.
Kan Kut (rent taken by appraisement), 181 n.3.
Kārdār (Sikh sub-divisional officer), 180 n.1, 185 n.1, 197 n.3, 260, n.2.
Karewā (leafless caper, *capparis aphylla*), 10 n.1.
Karorī (colonisation officer of Akbar, 130 n.3.
Kēs (unshorn hair of Sikhs), 168 n.6.
Khādir (low-lying river valley), 9 n.1
Khālsa (the pure, epithet of Sikhs), 118 n.3, 168.
Khān (Pathan chief), 250 n.6.
Khāna Dāmād (resident son-in-law) Persian term), 73 n.3.
Khasra (field registers), 160 n.4.
Khātā Bahī (ledger), 318 n.4.
Kirār (contemptuous term for Hindu moneylender), 333.
Kothī (revenue circle), 100 n.10.
Kotwāl (executive officer in charge of town), 117 n.3, 178 n.3.
Kumhār (potter), 20, 137.

L.

Lambardār (village headman), 37 n.4, 158 n.1, 236 n.10.

M.

Mahāl (Mogul sub-division of district), 115 n.5 ; (estate, generally of the size of a village), 157 n.4.
Malba (common fund of village), 237 n.1.
Mālik (overlord), 182 n.3.
Mālikāna (overlord's fee), 254 n.3.
Mālik qabza (landowner not member of village community), 174 n.5, 251 n.7.
Mānjhā (high tract between two rivers), 9 n.2, 211.
Maqdaī (revenue circle), 100 n.10.
Maurusī (occupancy tenants), 193 n.1.
Mauza (village), 157 n.5, 180 n.1.
Mirāsī (rights of hereditary owner), 72 n.2, 118 n.3.
Mochī (cobbler), 20 n.2.
Morī (stake planted at founding of village), 197 n.6.
Morī-gad (planter of morī), 197 n.7.
Munsif (subordinate judge), 319 n.4.
Muqaddam (village headman), 37 n.4, 108 n.5, 180 n.1.
Muzāra (tenant), 182 n.5.

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N.

Nāī (barber), 20.
Nāib-Tahsīldār (assistant to tahsildar), 268.
Nagsha Mudākhilat or *Misl tankīh haqūq muzāriān* (file defining status of tenants), 252 n.8.
Nautor (breaking up land), 70 n.4.
Nāzim (executive officer of district), 180 n.1, 196 n.2.
Nazrāna, 179 n.1, 184 n.4, 195, 197 n.5.

O.

Opāhu (tenant in hills), 101 n.1.

P.

Pahul (gate, initiation ceremony of Sikhs), 168 n.4.
Pakka (appointment realising pay from land revenue of charge), 120 n.1, (made of bricks burnt in a brick-kiln), 317 n.2.
Panchāyat (committee of elders), 23 n.3, 175 n.2, 179 n.3, 230 n.9.
Panj (five; Persian), 8 n.2.
Parganā (administrative area), 36 n.1, 115 n.6, 160 n.2, 180 n.1, 270 n.4.
Parmēshar (God; Hindi), 165 n.4.
Parshād (Sikh communion), 168 n.5.
Patta (deed of grant), 198 n.8.
Pattī (division of village), 197 n.10.
Patwārī (village accountant), 37 n.5, 180 n.1, 269 n.4.
Phalli (tribal sept), 180 n.6.
Pīpal (sacred fig-tree, *ficus religiosa*), 30 n.1.
Pukhta (*pakka*), 120 n.1.

Q.

Qānūngo (revenue officer of subdivision of district), 38 n.1, 180 n.1, 269-71.
Qāzī (doctor of Muhammedan law), 92 n.6, 179 n.4, 289 n.8.

R.

Rāj (rule), 326.
Rāja (tribal leader), 23, (king), 88 n.5, 100 n.7.
Rāna (kinglet), 100 n.7.
Rānī (queen), 205 n.2.
Rokar Bahī (cash balance account), 318 n.3.
Roznāmcha (day book), 318 n.3.

S.

Sadr Mālguzār (leading owner of village), 155 n.3.
Sanad (royal rescript), 131 n.3.
Sarkār (Mogul district), 115 n.4, 180 n.1.
Sēnapati (captain of the host), 35 n.5.
Shādī (marriage), 65 n.4.
Shajra (village revenue maps), 160 n.3.
Shukrāna (thank-offering), 179 n.2.
Sipāhī (soldier), 152, n.2.
Sūba (Mogul province), 115 n.3.
Sūr Bahī (day book), 318 n.3.
Suttee, satī (widow burning), 65 n.3.

T.

Taluqa (sub-division of district), 36 n.1, 149 n.3, 180 n.1.
Taluqdār (in charge of a taluqa), 149 n.3.
Taluqdārī (allowance on land revenue), 174 n.3.
Tappā (sub-division of district), 115 n.7, 198 n.7.
Tarkhān (carpenter), 20 n.3.
Taraf (division of village), 197 n.9.
Thal (desert tract between Jhelum and Indus), 10 n.4.
Thekh (mound formed by old village site), 8 n.4.
Tirnī (grazing fee), 187 n.2, 241 n. 10.
Tuman (Baluchi tribe), 108 n.2.
Tumandār (Baluchi tribal chief), 108 n.2.

W.

Wāris (heriditary owner), 118 n.3, 182 n.4.
Wirāsat (inheritance, ownership), 72. n.2.
Wirs (inheritance; Arabic), 72 n.2.

Z.

Zabtī (estimated share of crop), 254 n.5.
Zail (subdivision of tahsil), 258 n.1.
Zaildār (influential man in charge zail), 258.
Zamīndar, Zemīndār, defined 119 n.1; in Bengal, 149-51.
Zamindārī (royal rights in zamindari land), 118 n.3.
Zimni (subdued infidel), 105 n.3.

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